

1 Matthew D. Schelkopf (*pro hac vice*)
2 SAUDER SCHELKOPF
3 555 Lancaster Avenue
4 Berwyn, PA 19312
Telephone: (610) 200-0581
mds@sstriallawyers.com

5 Adam Gonnelli (*pro hac vice*)
6 THE SULTZER LAW GROUP
7 85 Civic Center Plaza, Suite 104
8 Poughkeepsie, NY 12601
Telephone: (845) 483-7100
gonnelia@thesultzerlawgroup.com

9 Bonner Walsh (*pro hac vice*)
10 WALSH PLLC
11 1561 Long Haul Road
12 Grangeville, ID 83530
Telephone: (541) 359-2827
bonner@walshpllc.com

13 *Attorneys for Plaintiffs and the Settlement Class*

14 ***[LIST OF ADDITIONAL COUNSEL ON SIGNATURE PAGE]***

15 UNITED STATES DISTRICT COURT
16 CENTRAL DISTRICT OF CALIFORNIA

17 *In re: Hyundai and Kia Engine Litigation,*

8:17-cv-00838-JLS-JDE

18 Related Cases:

19 8:17-cv-01365-JLS-JDE

20 8:17-cv-02208-JLS-JDE

21 2:18-cv-05255-JLS-JDE

22 8:18-cv-00622-JLS-JDE

23 8:18-cv-02223-JLS-JDE

24 **DECLARATION OF STEVE W.**
25 **BERMAN IN SUPPORT OF**
26 **PLAINTIFFS' UNOPPOSED**
27 **MOTION FOR CLASS COUNSEL**
28 **FEE AND EXPENSE AWARD**
AND CLASS REPRESENTATIVE
SERVICE AWARDS

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Hon. Josephine L. Staton
Courtroom 10A

1 I, STEVE W. BERMAN, declare as follows:

2 1. I am an attorney admitted *pro hac vice* in this litigation, the managing
3 partner of the law firm Hagens Berman Sobol Shapiro LLP (“Hagens Berman”), and
4 counsel of record for Plaintiffs Danny Dickerson, Robert Fockler, Amy Franklin,
5 Donald House, Dave Loomis, Joseph McCallister, Arron Miller, Ricky Montoya,
6 Lynn North, Mark Rice, Reid Schmitt, James Smith, and Chris Stackhouse (the
7 “*Flaherty* Settling Plaintiffs”) in *Flaherty v. Hyundai Motor Company, et al.*, No. 18-
8 cv-02223 (C.D. Cal.). I could and would competently testify to the matters stated in
9 this Declaration based on my personal knowledge or discussions with counsel in my
10 firm.

11 2. I submit this Declaration in support of Plaintiffs’ Unopposed Motion for
12 Class Counsel Fee and Expense Award and Class Representative Service Awards,
13 which seeks \$6,900,000 in attorneys’ fees and actual costs up to \$175,000 in
14 connection with the class action settlement (“Settlement”) preliminarily approved by
15 this Court on May 7, 2020. (Doc. No. 132)

16 3. This Court appointed me to serve as Class Counsel alongside Matthew
17 Schelkopf of Sauder Schelkopf, Adam Gonnelli of The Sultz Law Group, and
18 Bonner Walsh of Walsh PLLC in its May 7, 2020 Order conditionally approving
19 Plaintiffs’ Motion for Preliminary Approval of Class Settlement. *Id.*

20 **A. HAGENS BERMAN’S EXPERIENCE AND QUALIFICATIONS**

21 4. As demonstrated by our firm résumé, attached as Exhibit 1, Hagens
22 Berman is among the most experienced and skilled practitioners in the complex
23 litigation field, and has a long and successful track record in such cases. Hagens
24 Berman is a nationally recognized law firm, with offices in Berkeley, Seattle, Boston,
25 Chicago, Los Angeles, Washington D.C., and Phoenix. We are consistently rated by
26 the National Law Journal as a top-ten plaintiffs’ firm in the country. The firm has
27 extensive experience litigating complex class actions asserting claims of securities,
28

1 investment fraud, product liability, tort, antitrust, consumer fraud, employment,
2 environmental, and ERISA cases. Hagens Berman has been approved by courts to
3 serve as class counsel in hundreds of class actions, including cases in this District.
4 Moreover, the fact that Hagens Berman has demonstrated a willingness and ability to
5 prosecute complex cases such as this was undoubtedly a factor that encouraged
6 Defendants to engage in settlement discussions, and added valuable leverage in the
7 negotiations, ultimately resulting in the recovery for the Class.

8 5. I have significant experience prosecuting consumer class action cases
9 against automotive companies, including the following:

- 10 • Appointed as Co-Lead Counsel in *In re General Motors LLC Ignition*
11 *Switch Litig.*, No. 14-md-02543-JMF (S.D.N.Y.), on behalf of millions of
12 former and current GM vehicle owners and lessees related to an ignition
13 switch defect concealed by GM that resulted in economic loss, injury, and
14 death. The court preliminarily approved a joint settlement of this case and
15 the ancillary bankruptcy action against GM's former entity, General
16 Motors Corp.
- 17 • Appointed as Co-Lead Counsel in *In re Toyota Motor Corp. Unintended*
18 *Acceleration Marketing, Sales Practices, and Products Liability Litig.*,
19 No. 8:10-ml-02151-JVS-FMO (C.D. Cal.), on behalf of Toyota owners
20 alleging a defect causes vehicles to undergo sudden, unintended
21 acceleration. The case settled and the settlement package was valued at
22 up to \$1.6 billion, which was at the time the largest automotive settlement
23 in history.
- 24 • Appointed as Co-Lead Counsel in *In re MyFord Touch Consumer*
25 *Litigation*, No. 3:13-cv-03072-EMC (N.D. Cal.), on behalf of owners of
26 Ford vehicles equipped with MyFord Touch, an in-car communication
27 and entertainment package, who claim that the system is flawed, putting
28 drivers at risk of an accident while causing economic hardship for
owners. A federal judge overseeing the case recently certified nine
subclasses of owners of affected vehicles in various states.
- Appointed as Co-Class Counsel in *Meyer v. Nissan North America, Inc.*,
No. BC 263136 (Super. Ct. Cal.), on behalf of Nissan Quest minivan
owners who alleged that their vehicles developed deposits in a part of the

1 engine, causing drivers to apply increased pressure to push the accelerator
2 down. The case settled, providing reimbursement for cleanings or
3 replacements and applicable warranty coverage.

- 4 • Appointed as Co-Settlement Class Counsel in *In re Hyundai and Kia*
5 *Fuel Economy Litigation*, No. 2:13-md-2424-GW-FFM (C.D. Cal.), on
6 behalf of owners after the car manufacturers allegedly overstated the
7 MPG fuel economy ratings on 900,000 of its cars. The case resulted in a
8 \$255 million settlement. Lump-sum payment plan worth \$400 million on
9 a cash basis, and worth even more if owners opt for store credit (150
10 percent of cash award) or new car discount (200 percent of cash award)
11 options. In 2018 and 2019, I successfully petitioned for en banc review of
12 an adverse Ninth Circuit panel decision, argued, and obtained full
13 affirmance of the settlement. *See In re Hyundai & Kia Fuel Econ. Litig.*,
14 926 F.3d 539, 552 (9th Cir. 2019).
- 15 • In *Braverman v. BMW of North America, LLC*, No. 8:16-cv-00966 (C.D.
16 Cal.), I represent BMW owners in a national class action lawsuit
17 following reports that BMW's i3 REx model electric cars contain a defect
18 that causes them to suddenly and without warning lose speed and power
19 mid-drive, putting drivers and passengers at risk of crash and injury. The
20 class was recently certified.
- 21 • Appointed to Plaintiffs' Steering Committee in *In re FCA US LLC*
22 *Monostable Electronic Gearshift Litig.*, No. 2:16-md-02744-DML-DRG
23 (E.D. Mich.), on behalf of owners of Jeep Grand Cherokee, Chrysler 300,
24 and Dodge Charger vehicles alleging Fiat Chrysler fraudulently
25 concealed and failed to remedy a design defect in 811,000 vehicles that
26 can cause cars to roll away after they are parked, causing injuries,
27 accidents and other serious unintended consequences. The class was
28 certified in part late last year.
- In *Tershakovec v. Ford Motor Co.*, No. 1:17-cv-21087 (S.D. Fla.), I
represent owners of certain 2016 Shelby GT350 Mustang models in a
case alleging that Ford sold these vehicles as track cars built to reach and
sustain high speeds, but failed to disclose that the absence of a
transmission and differential coolers can greatly diminish the vehicle's
reported track capabilities. Shelby owners are reporting that this defect
causes the vehicle to overheat and go into limp mode while in use, even
when the car is not being tracked. The case is pending.

- Appointed as Class Counsel in *Sheikh v. Tesla Motors, Inc.*, No. 5:17-cv-02193-BLF (N.D. Cal.), on behalf of Tesla owners in a lawsuit against the automaker for knowingly selling nearly 50,000 cars with nonfunctional Enhanced Autopilot AP2.0 software that still has not met Tesla's promises, including inoperative Standard Safety Features on affected models sold in Q4 2016 and Q1 2017. Preliminary approval was granted in June 2018.
- I also have extensive experience litigating automotive emissions cheating cases, such as: *Volkswagen Diesel Emissions Litig.*, No. 3:15-md-02672-CRB (N.D. Cal.) (Plaintiffs' Steering Committee); *Volkswagen Dealers Litig.*, No. 3:15-md-02672-CRB (N.D. Cal.) (Class Counsel); *Albers v. Mercedes-Benz USA, LLC*, No. 2:16-cv-00881-JLL-JAD (D.N.J.) (Interim Class Counsel); *Counts v. General Motors LLC* ("Chevy Cruze Diesel Emissions Litig."), No. 1:16-cv-12541-TLL-PTM (E.D. Mich.); *In re Chrysler-Dodge-Jeep Ecodiesel Marketing Sales Practices, and Products Liability Litig.*, No. 3:17-md-02777-EMC (N.D. Cal.) (Plaintiffs' Steering Committee); *Bledsoe v. FCA US LLC*, No. 4:16-cv-14024-TGB-RSW (E.D. Mich.); *In re Duramax Diesel Litig.*, No. 1:17-cv-11661-TLL-PTM (E.D. Mich.).

B. WORK PERFORMED BY HAGENS BERMAN

6. On December 14, 2018, after undertaking an investigation, Hagens Berman filed a class action in this District on behalf of the *Flaherty* Settling Plaintiffs against Hyundai Motor America ("HMA"), Hyundai Motor Company ("HMC"), Kia Motors Corporation ("KMC"), and Kia Motors America ("KMA") (collectively "Defendants"), asserting claims for violations of the California Consumer Legal Remedies Act, the California Unfair Competition Law, the California False Advertising Law, and the Song-Beverly Act.¹ *Flaherty* alleged Defendants' flawed

¹ My co-Class Counsel filed the following the proposed nationwide class actions: *Centko and Lazar v. Kia Motors America, Inc.*, No. 8:17-cv-00838 (C.D. Cal.) on May 10, 2017; *Stanczak and Creps v. Kia Motors America, Inc. et al.*, No. 8:17-cv-1365 (C.D. Cal.) on August 8, 2017; *Kinnick and Coats v. Hyundai Motor Company, et al.*, No. 8:17-cv-02208 (C.D. Cal.) on December 19, 2017; *Brogan v. Hyundai Motor America, et al.*, No. 8:17-cv-00622 (C.D. Cal.) on January 23, 2018; *Smolek v.*

1 design and/or manufacturing processes resulted in the production and sale of Hyundai
2 and Kia vehicles with defective Theta II GDI engines. These engines are prone to
3 premature and irregular engine wear that, if not caught early, can result in sudden and
4 catastrophic engine failure, and in some instances engine fire.

5 7. Hagens Berman's pre-filing investigation included extensive review of
6 publically available documents and research into Class Vehicles and their GDI
7 engines, the scope of affected vehicles, identifying the defect and its mechanism,
8 reported incidents of defect manifestation, the probability of such manifestation, the
9 scope and effectiveness of existing recalls, and vehicle owner experiences. Before
10 filing, Hagens Berman also hired an expert to inspect Class Vehicles and opine on the
11 defect and its cause.

12 8. Hagens Berman amended *Flaherty* twice, on January 10, 2019, and May
13 1, 2019, to include additional Plaintiffs and vehicles based on our continued
14 investigations described above and expert work.

15 9. Throughout this litigation, our expert conducted at least five inspections
16 of Class Representative or prospective representatives' vehicles, and purchased
17 numerous other exemplar vehicles for further inspection and testing. Hagens Berman
18 regularly communicated with and relied on this expert in conducting discovery of
19 Defendants and engaging in settlement negotiations.

20 10. Besides the independent investigations conducted by my firm and co-
21 Class Counsel, the Parties engaged in confirmatory discovery over the course of 2019.
22 Defendants produced, and Plaintiffs' counsel reviewed, thousands of pages of internal
23 documents relating to the Class Vehicles' Theta II GDI engine design, engineering,
24 manufacturing, and pre- and post-production testing.

25
26
27

Hyundai Motor America, et al., No. 2:18-cv-05255 (C.D. Cal.) on April 16, 2018. On
28 August 7, 2018, the Court ordered these cases consolidated as *In re Hyundai and Kia
Engine Litigation*, No. 8:17-cv-00838 (C.D. Cal.) (ECF No. 85).

1 11. Hagens Berman and co-Class Counsel jointly deposed two key HMC
2 employees—a manufacturing executive and a lead research and design engineer—both
3 of whom traveled from South Korea for their deposition. The depositions lasted for
4 two days and covered hundreds of pages of documents produced by Defendants during
5 confirmatory discovery. Plaintiffs’ counsel were in frequent, separate contact by
6 phone and email with Defendants’ counsel during this time to discuss substantive
7 settlement issues and ongoing discovery efforts.

8 12. Hagens Berman separately met and conferred with Defendants’
9 representatives in person, by phone, and in writing for several months before
10 coordinating efforts with co-Class Counsel, which resulted in additional modifications
11 and enhancements to the proposed settlement such as an expanded class (to encompass
12 all vehicles outfitted with Theta II GDI engines), additional goodwill and
13 reimbursement payments, and a vehicle rebate.

14 13. Once the Settlement was reached in principle, Class Counsel spent
15 months drafting and revising the Settlement Agreement and conferring with defense
16 counsel. We briefed preliminary approval, attended the preliminary approval hearing,
17 revised the Settlement and filed supplemental briefing as needed or at the Court’s
18 directive. We supervised Notice and creation of the Settlement websites. We are
19 currently fielding Class member inquiries and objections regarding the Settlement.

20 **C. HAGENS BERMAN LODESTAR AND EXPENSES**

21 14. Rule 23(h) of the Federal Rules of Civil Procedure provides in relevant
22 part that “[i]n a certified class action, the court may award reasonable attorney’s fees
23 and nontaxable costs that are authorized by law or by the parties’ agreement.” Class
24 Counsel seeks \$6,900,000 in fees and actual costs up to \$175,000 that Defendants
25 agreed to pay in connection with the Settlement.
26
27
28

15. Hagens Berman attorneys and staff keep detailed, contemporaneous time records in all cases, including here. Time is billed in one-tenth of an hour increments, captured and submitted electronically on a daily basis, and audited for accuracy.

16. Hagens Berman's hourly rates are the same as those charged for services in non-contingent matters, and federal courts throughout the country have approved Hagen Berman's standard billing rates and reimbursement of costs as reasonable.²

17. As of September 25, 2020, Hagens Berman has spent 1730.50 hours litigating this case, for a total firm lodestar of \$810,500. A summary of hours incurred by timekeeper, with respective rates and roles included, is below:

Timekeeper	Role	Rate	Hours	Lodestar
Aragon, Leonard	Partner	\$650.00	2.30	\$1,495.00
Berman, Steve	Partner	\$1,075.00	62.50	\$67,187.50
Byszewski, Elaine	Partner	\$700.00	11.50	\$8,050.00
Carey, Rob	Partner	\$800.00	114.50	\$91,600.00
DeStefano, John	Associate	\$550.00	0.60	\$330.00
Fitzpatrick, Rachel	Associate	\$475.00	1095.20	\$520,220.00
Matt, Sean	Partner	\$800.00	4.00	\$3,200.00
Conte, Jennifer	Paralegal	\$300.00	2.30	\$690.00
Flexer, Carrie	Paralegal	\$300.00	1.00	\$300.00
Garcia, Adrian	Legal Assistant	\$175.00	37.70	\$6,597.50
Gibson, Beth	Paralegal	\$290.00	167.10	\$48,459.00
Grueneich, Nicolle	Paralegal	\$250.00	15.40	\$3,850.00
Haegle, Robert	Paralegal	\$250.00	26.80	\$6,700.00
Henson, Leigha	Paralegal	\$250.00	71.20	\$17,800.00
Johnson, Cindy	Paralegal	\$290.00	12.00	\$3,480.00
Lovell, Chan	Legal Assistant	\$175.00	0.80	\$140.00
Pearce, Susan	Paralegal	\$290.00	102.10	\$29,609.00
Schaaf, Chad	Legal Assistant	\$175.00	0.60	\$105.00

² See, e.g., *In re McKesson Corp. Derivative Litig.*, No. 4:17-cv-01850-CW (N.D. Cal. Apr. 22, 2020), Doc. 231-1 at 9-10; *In re Hyundai and Kia Fuel Economy Litig.*, 2:13-ml-02424-GW-FFM (C.D. Cal. Nov. 14, 2019), Doc. 593 at 1; *In re Celebrex (Celecoxib) Antitrust Litig.*, No. 2:14-cv-00361-AWA-DEM (E.D. Va. April 18, 2018), Doc. 630 at 6-10; *In re Toyota Motor Corp. Unintended Acceleration Marketing, Sales Practices, and Products Liability Litig.*, No. 8:10-ml-02151-JVS-FMO (C.D. Cal. July 24, 2013), Doc. 3933 at Attachment 2.

Timekeeper	Role	Rate	Hours	Lodestar
Skoda, Kennedy	Paralegal	\$230.00	1.90	\$437.00
Taylor, Shelby	Paralegal	\$250.00	1.00	\$250.00
TOTALS:			1730.50	\$810,500.00

18. As a general rule, our firm implements internal protocols and procedures to strive for efficient, cost-effective, and quality work. We delegate tasks appropriately among partners, associate attorneys, paralegals, and other staff according to complexity, and with the goal to avoid unnecessary or duplicative work.

19. As of September 25, 2020, Hagens Berman incurred \$48,220.72 in costs attributable to this litigation. A summary of these costs by category is below:

Expense Category	Amount
Federal Express / UPS, etc.	\$810.27
Messenger / Process Server	\$1,156.40
In-House Photocopying	\$203.25
Hotels	\$597.98
Meals	\$119.56
Air Travel	\$1,938.12
Ground Transportation (i.e., Uber, rental car)	\$331.60
Deposition Costs / Transcripts	\$1,793.95
Online Services / Legal Research (i.e., Westlaw, PACER, Everlaw)	\$4,543.02
Court Fees	\$1,260.63
Expert Fees	\$23,870.94
Investigation Fees / Service Fees	\$945.00
Mediation Fees	\$10,650.00
TOTALS:	\$48,220.72

20. It is Hagens Berman's policy and practice to prepare records from expense invoices, check and credit card records, and other source materials. Based on my oversight of our firm's work in this litigation and my review of these records, I believe they constitute an accurate record of the expenses actually incurred by our firm.

21. In my professional opinion, these costs are typical and reasonable. The largest cost to date is for expert services, including obtaining and storing certain Plaintiff or Class vehicles. Such costs are necessary in an automotive defect case

1 requiring extensive investigation to establish and prosecute the Class members'
2 claims.

3 22. Should the Court wish to review *in camera* any of the detailed time or
4 cost records underlying the amounts recited in this Declaration, they are available.

5 23. As detailed more fully in paragraph 32 *infra*, Class Counsel is incurring
6 more time and costs currently, and expects to continue incurring time and costs
7 through final approval, the claims deadline, and perhaps on appeal.

8 **D. THE SETTLEMENT IS FAIR, ADEQUATE, AND REASONABLE**

9 24. Based on Hagens Berman's investigation, the information obtained from
10 Defendants, and the strengths and weaknesses of the Parties' respective claims and
11 defenses, I believe further litigation of the matters resolved by this Settlement would
12 be complex and costly, and subject the Parties to uncertain results. Litigation has been
13 ongoing for several years, and already consumed significant time, money, and
14 resources from the Parties and the Court. While I believe Plaintiffs' claims are valid,
15 there is a recognized element of risk in any litigation. The Settlement here will
16 substantially reduce costs and the expenditure of resources, and eliminate the risk of
17 uncertain litigation outcomes.

18 25. In light of the inherent risks and costs associated with litigation, the
19 Settlement is fair, reasonable, and adequate because it is the product of arm's-length
20 negotiations between sophisticated counsel well-versed in automotive class action
21 litigation, and included confirmatory discovery and in-person meetings between
22 Plaintiffs' counsel and Hyundai representatives to discuss claims and settlement
23 possibilities. The Settlement treats Class members equitably and provides reasonably
24 equivalent consideration in exchange for certain liability releases.

25 26. I have negotiated other settlements with Defendants and its counsel, all of
26 which were deemed fair, reasonable, and adequate. *See, e.g., In re Hyundai and Kia*
27 *Fuel Economy Litigation*, No. 2:13-md-2424-GW-FFM (C.D. Cal.).

E. THE REQUESTED FEE AND EXPENSE AWARD IS REASONABLE

27. The Parties did not negotiate attorneys' fees and costs, or class representative service awards, until after reaching agreement on the Settlement.

28. On February 10, 2020, Class Counsel and Defendants' counsel formally negotiated attorneys' fees and costs with the assistance of retired Judge Edward A. Infante. This first mediation was unsuccessful, but the Parties continued to negotiate informally. On September 1, 2020, during a second mediation with Judge Infante, Defendants agreed to pay \$6,900,000 in fees to Class Counsel and reimburse Class Counsel's actual costs up to \$175,000.

29. The fees and costs that Class Counsel seeks—and Defendants have agreed to pay—will not diminish the Settlement's value or the benefits it confers to Class members.

30. Hagens Berman prosecuted this litigation solely on a contingent-fee for two years (and co-Class Counsel for even longer), all at risk of not receiving compensation for their work and expenses on behalf of the Class. Class Counsel collectively devoted substantial time and resources to this matter, forgoing other legal work for which they could have been compensated.

31. In light of Class Counsel's work, the risks assumed, the uncertainties of further litigation, and the results achieved, I believe the requested fees and expense reimbursement is more than reasonable.

32. Notably, this case and Class Counsel's work is ongoing. We are currently fielding extensive Class member communications, preparing final approval papers, developing and administering a survey and declaration to thousands of Class members regarding the settlement ahead of final approval, assisting and supervising the settlement administration process, resolving certain objections (some of which require depositions), and potentially defending the Settlement from any objector appeals.

F. THE LEAD PLAINTIFFS DILIGENTLY SERVED THE CLASS

33. The Court's May 7, 2020 Preliminary Approval Order appointed the following Plaintiffs as Class Representatives for the Class for settlement purposes: Cara Centko, Jenn Lazar, Christopher Stanczak, Rose Creps, James Kinnick, Wallace Coats, Maryanne Brogan, Andrea Smolek, Danny Dickerson, Robert Fockler, Amy Franklin, Donald House, Dave Loomis, Joseph McCallister, Arron Miller, Ricky Montoya, Lynn North, Mark Rice, Reid Schmitt, James Smith, and Chris Stackhouse.

34. The *Flaherty* Settling Plaintiffs appointed as Class Representatives here willingly participated in this litigation on behalf of the Class, despite any financial or reputational risks. They understood this commitment required time and cooperation on their part, including potential written discovery and depositions.

35. Throughout the course of this litigation, the *Flaherty* Settling Plaintiffs provided information, documents, and in some cases their vehicles for inspection, as requested by Class Counsel. They communicated with counsel, reviewed and provided information for pleadings, and generally stayed informed about the case.

36. The *Flaherty* Settling Plaintiffs consulted with Class Counsel about the Settlement and its terms, and later reviewed the Settlement Agreement itself, on behalf of the Class they represent.

37. In light of the foregoing, we believe it appropriate for the Court to approve service awards to the *Flaherty* Settling Plaintiffs appointed as Class Representatives given their devotion to the class, without which this Settlement would not be possible.

38. If the Court agrees, twenty-one Class Representatives (thirteen of which are *Flaherty* Settling Plaintiffs) will each receive \$3,500 Service Awards, for a total of \$73,500 in Service Awards paid by Defendants.

1 I declare under penalty of perjury under the laws of the United States that the
2 foregoing is true and correct. Executed September 30, 2020, in Seattle, Washington.

3
4 /s/ Steve W. Berman
5 STEVE W. BERMAN
6

7 Additional Counsel of Record:

8 Steve W. Berman (*pro hac vice*)
9 **HAGENS BERMAN SOBOL SHAPIRO LLP**
10 1301 Second Avenue, Suite 2000
11 Seattle, WA 98101
12 Telephone: (206) 623-7292
Facsimile: (206) 623-0594
steve@hbsslaw.com

13 *Attorneys for Plaintiffs and the Proposed Class*
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

EXHIBIT 1



HAGENS BERMAN



EXPERIENCE.
INNOVATION.
RESULTS.





Hagens Berman is a national leader in class-action litigation driven by a team of legal powerhouses. With a tenacious spirit, we are motivated to make a positive difference in people's lives.

Table of Contents

INTRODUCTION

The Firm	4
Locations	5

PRACTICE AREAS

Anti-Terrorism	9
Antitrust	10
Automotive - Non-Emissions Cases	13
Automotive - Emissions Litigation	15
Civil and Human Rights	17
Consumer Protection - General Class Litigation ..	18
Consumer Protection - Drug and Supplement Litigation	20
Employment Litigation	23
Environmental Litigation	25
Governmental Representation	27
Intellectual Property	29
Investor Fraud - Individual and Class Action Litigation	31
Investor Fraud - Institutional Investor Portfolio Monitoring and Recovery Services	33
Personal Injury and Abuse	34
Sports Litigation	35
Whistleblower Litigation	38

APPELLATE VICTORIES

Strengthening Consumer Law	42
----------------------------------	----

MANAGING PARTNER

Steve W. Berman	44
-----------------------	----

PARTNER, EXECUTIVE COMMITTEE MEMBER

Thomas M. Sobol	49
Anthony D. Shapiro	53
Robert B. Carey	55

PARTNER

Leonard W. Aragon	58
Lauren Guth Barnes	59
Ian M. Bauer	62
Elaine T. Byszewski	64
Catherine Y.N. Gannon	66
Kristen A. Johnson	68
Reed R. Kathrein	70
Daniel J. Kurowski	73
Thomas E. Loeser	75
Robert F. Lopez	77
Barbara Mahoney	80
Sean R. Matt	81
Martin D. McLean	83
David P. Moody	84
David S. Nalven	85
Christopher A. O'Hara	86
Matthew F. Pawa	87
Shana E. Scarlett	88
Craig R. Spiegel	90
Ronnie Seidel Spiegel	91
Shayne C. Stevenson	93
Andrew M. Volk	96
Garth Wojtanowicz	97
Jason A. Zweig	99

SENIOR COUNSEL

Lucas E. Gilmore	102
Kevin K. Green	103
Anne F. Johnson	106

OF COUNSEL

Gregory T. Arnold	107
Karl Barth	110
Molly A. Booker	111
Jeniphr A.E. Breckenridge	112
Mark S. Carlson	113
Jeannie Evans	115
Philip J. Graves	116
Laura Hayes	118
John D. Jenkins	119
Wesley Kelman	120
Michella A. Kras	121
Benjamin A. Krass	122
James J. Nicklaus	124
Jerrold C. Patterson	125
Greer N. Shaw	127
Nick Styant-Browne	129
Hannah Schwarzschild	130
Nathaniel A. Tarnor	131

ASSOCIATE

Tory Beardsley	132
Hannah Brennan	133
Rochella T. Davis	136
John DeStefano	137
Rachel E. Fitzpatrick	139
Anthea D. Grivas	140
Ben Harrington	142
Kristie A. LaSalle	143
Jessica R. MacAuley	144
Abbye Klamann Ognibene	145
Rio Pierce	146
Christopher R. Pitoun	147
Benjamin J. Siegel	148
Whitney K. Siehl	149
Emilee Sisco	151
Danielle Smith	152
Shelby R. Smith	153
Zoran (Zoki) Tasic	154
Jessica Thompson	155
Breanna Van Engelen	157
Mark Vazquez	158
Bradley J. Vettraino	159
Ted Wojcik	160

INTRODUCTION

The Firm

Hagens Berman Sobol Shapiro LLP was founded in 1993 with one purpose: to help victims with claims of fraud and negligence that adversely impact a broad group. The firm initially focused on class action and other types of complex, multi-party litigation, but we have always represented plaintiffs/victims. As the firm grew, it expanded its scope while staying true to its mission of taking on important cases that implicate the public interest. The firm represents plaintiffs including investors, consumers, inventors, workers, the environment, governments, whistleblowers and others.

We are one of the nation's leading class-action law firms and have earned an international reputation for excellence and innovation in ground-breaking litigation against large corporations.

OUR FOCUS. Our focus is to represent plaintiffs/victims in product liability, tort, antitrust, consumer fraud, securities and investment fraud, employment, whistleblower, intellectual property, environmental, and employee pension protection cases. Our firm is particularly skilled at managing multi-state and nationwide class actions through an organized, coordinated approach that implements an efficient and aggressive prosecutorial strategy to place maximum pressure on defendants.

WE WIN. We believe excellence stems from a commitment to try each case, vigorously represent the best interests of our clients, and obtain the maximum recovery. Our opponents know we are determined and tenacious and they respect our skills and recognize our track record of achieving top results.

WHAT MAKES US DIFFERENT. We are driven to return to the class every possible portion of its damages—our track record proves it. While many class action or individual plaintiff cases result in large legal fees and no meaningful result for the client or class, Hagens Berman finds ways to return real value to the victims of corporate fraud and/or malfeasance.

A NATIONWIDE REACH. The scope of our practice is truly nationwide. We have flourished through our network of offices in eight cities across the United States, including Seattle, Boston, Chicago, Los Angeles, New York, Phoenix, San Francisco and San Diego. Our reach is not limited to the cities where we maintain offices. We have cases pending in courts across the country, with substantial activity in California, New York, Washington, Arizona and Illinois.



INTRODUCTION

Locations

SEATTLE

1301 Second Avenue, Suite 2000
Seattle, WA 98101
(206) 623-7292 phone
(206) 623-0594 fax

BERKELEY

715 Hearst Avenue, Suite 202
Berkeley, CA 94710
(510) 725-3000 phone
(510) 725-3001 fax

BOSTON

55 Cambridge Parkway, Suite 301
Cambridge, MA 02142
(617) 482-3700 phone
(617) 482-3003 fax

BOSTON, NEWTON CENTRE

1280 Centre Street, Suite 230
Newton Centre, MA 02459
(617) 641-9550 phone
(617) 641-9551 fax

CHICAGO

455 N. Cityfront Plaza Drive, Suite 2410
Chicago, IL 60611
(708) 628-4949 phone
(708) 628-4950 fax

LOS ANGELES

301 North Lake Avenue, Suite 920
Pasadena, CA 91101
(213) 330-7150 phone
(213) 330-7152 fax

NEW YORK

555 Fifth Avenue, Suite 1700
New York, NY 10017
(212) 752-5455 phone
(917) 210-3980 fax

PHOENIX

11 West Jefferson Street, Suite 1000
Phoenix, AZ 85003
(602) 840-5900 phone
(602) 840-3012 fax

SAN DIEGO

533 F Street
Suite 207
San Diego, CA 92101
(619) 929-3340 phone

“...the track record of Hagens Berman[’s] **Steve Berman is... impressive**, having racked... a \$1.6 billion settlement in the Toyota Unintended Acceleration Litigation and a substantial number of really outstanding big-ticket results.”

— Milton I. Shadur, Senior U.S. District Judge, naming Hagens Berman Interim Class Counsel in Stericycle Pricing MDL

“Class counsel has **consistently demonstrated extraordinary skill and effort.**”

— U.S. District Judge James Selna, Central District of California, *In re Toyota Motor Corp. Unintended Acceleration Marketing, Sales Practices and Products Liability Litigation*

“Berman is considered **one of the nation’s top class-action lawyers.**”

— Associated Press

Elite Trial Lawyers

The National Law Journal

The Plaintiffs’ Hot List: The Year’s Hottest Firms

The National Law Journal

Most Feared Plaintiffs Firms

Law360

“**Landmark consumer cases are business as usual** for Steve Berman.”

— *The National Law Journal*, naming Steve Berman one of the 100 most influential attorneys in the nation for the third time in a row

“[A] **clear choice** emerges. That choice is the Hagens Berman firm.”

— U.S. District Court for the Northern District of California, *In re Optical Disk Drive Products Antitrust Litigation* (appointing the firm lead counsel)

“All right, I think I can conclude on the basis with my five years with you all, watching this litigation progress and seeing it wind to a conclusion, that **the results are exceptional...** You did an exceptionally good job at organizing and managing the case...”

— U.S. District Court for the Northern District of California, *In re Dynamic Random Access Memory Antitrust Litigation* (Hagens Berman was co-lead counsel and helped achieve the \$325 million class settlement)

VISA-MASTERCARD ANTITRUST LITIGATION

The firm served as co-lead counsel in what was then the largest antitrust settlement in history – valued at **\$27 billion**.

VOLKSWAGEN FRANCHISE DEALERS LITIGATION

The firm served as lead counsel representing VW franchise dealers in this suit related to the automaker's Dieselgate scandal. A **\$1.6 billion** settlement was reached, and represents a result of nearly full damages for the class.

VOLKSWAGEN EMISSIONS LITIGATION

Hagens Berman was named a member of the Plaintiffs' Steering Committee and part of the Settlement Negotiating team in this monumental case that culminated in the largest automotive settlement in history – **\$17.4 billion**.

TOYOTA UNINTENDED ACCELERATION LITIGATION

Hagens Berman obtained the then largest automotive settlement in history in this class action that recovered **\$1.6 billion** for vehicle owners.

STATE OF WASHINGTON, ET AL. V. PHILIP MORRIS, ET AL.

Hagens Berman represented 13 states in the largest recovery in litigation history – **\$206 billion**.

E-BOOKS ANTITRUST LITIGATION

Hagens Berman served as co-lead counsel in this matter and secured a combined **\$560 million** settlement on behalf of consumers against Apple and five of the nation's largest publishing companies.

LCD ANTITRUST LITIGATION

Hagens Berman served as a member of the Executive Committee representing consumers against multiple defendants in multi-district litigation. The total settlements exceeded **\$470 million**.

MCKESSON DRUG LITIGATION

Hagens Berman was lead counsel in these racketeering cases against McKesson for drug pricing fraud that settled for more than **\$444 million** on the eve of trials.

DAVITA HEALTHCARE PERSONAL INJURY LITIGATION

A Denver jury awarded a monumental **\$383.5 million** jury verdict against GranuFlo dialysis provider DaVita Inc. on June 27, 2018, to families of three patients who suffered cardiac arrests and died after receiving dialysis treatments at DaVita clinics.

DRAM ANTITRUST LITIGATION

The firm was co-lead counsel, and the case settled for **\$345 million** in favor of purchasers of dynamic random access memory chips (DRAM).

AVERAGE WHOLESALE PRICE DRUG LITIGATION

Hagens Berman was co-lead counsel in this ground-breaking drug pricing case against the world's largest pharmaceutical companies, resulting in a victory at trial. The court approved a total of **\$338 million** in settlements.

ENRON ERISA LITIGATION

Hagens Berman was co-lead counsel in this ERISA litigation, which recovered in excess of **\$250 million**, the largest ERISA settlement in history.

CHARLES SCHWAB SECURITIES LITIGATION

The firm was lead counsel in this action alleging fraud in the management of the Schwab YieldPlus mutual fund; a **\$235 million** class settlement was approved by the court.

Practice Areas

PRACTICE AREAS

Anti-Terrorism

With a long track record of upholding the rights of the voiceless, Hagens Berman fights for justice on behalf of victims of international terrorism. Our anti-terrorism legal team builds on our robust history to forge innovative cases, bringing action against those that support terrorism.

Hagens Berman has always believed in fighting for the rights of those with no voice – those who are victims to tragic circumstances beyond their control. With our guiding principles driving our efforts, the firm has expanded its practice areas to include anti-terrorism litigation.

It's no secret that some businesses and individuals have pled guilty to violating United States laws that prohibit financial transactions with terrorist organizations and foreign states that support terrorism. We believe that the law is one of the most powerful tools to combat terrorism, and our renowned team of litigators brings a fresh perspective to the fight for victims' rights in this complex arena.

Through a deep understanding of both U.S. and international anti-terrorism laws, Hagens Berman builds on its foundation to investigate acts of terrorism and forge ironclad cases against anyone responsible, to help ensure that those at the mercy of the world's most egregious perpetrators of violence are represented with the utmost integrity and determination.

The firm's new practice area carries out our mission of building a safer world through novel applications of the law and steadfast dedication.

> Chiquita Bananas

Hagens Berman represents American citizens who were victims of terrorism in Colombia. The victims were harmed by Colombian terrorists that Chiquita Brands International Inc. paid so that it could grow bananas in Colombia in regions that were controlled by the terrorists. Chiquita is one of the world's largest producers and marketers of fruits and vegetables and admitted it paid Colombian terrorist organizations as part of a guilty plea to settle criminal charges brought by the U.S. Department of Justice

Chiquita was placed on corporate probation and paid a \$25 million dollar fine because of its conduct in Colombia.

Plaintiffs have sued Chiquita under the U.S. Anti-Terrorism Act, which allows American victims of international terrorism to sue anyone responsible and to recover treble damages and attorney's fees. The claims are pending in the U.S. District Court for the Southern District of Florida as part of the consolidated multi-district litigation to resolve claims related to Chiquita's payments to Colombian terrorist organizations.

PRACTICE AREAS

Antitrust

Hagens Berman works to preserve healthy marketplace competition and fair trade by protecting consumers and businesses that purchase goods and services from price fixing, market allocation agreements, monopolistic schemes and other trade restraints. The firm's lawyers have earned an enviable reputation as experts in this often confusing and combative area of commercial litigation. Our attorneys have a deep understanding of the legal and economic issues within the marketplace, allowing us to employ groundbreaking market theories that shed light on restrictive anti-competitive practices.

Hagens Berman represents millions of consumers in several high-profile class-action lawsuits, and takes on major antitrust litigation to improve market conditions for consumers, businesses and investors. We have represented plaintiffs in markets as diverse as debit and credit card services, personal computer components, electric and gas power, airlines, and internet services, and we have prevailed against some of the world's largest corporations.

The firm has also generated substantial recoveries on behalf of health plans and consumers in antitrust involving pharmaceutical companies abusing patent rights to block generic drugs from coming to market. Hagens Berman has served as lead or co-lead counsel in landmark litigation challenging anti-competitive practices, in the Paxil Direct Purchaser Litigation (\$100 million), Relafen Antitrust Litigation (\$75 million), Tricor Indirect Purchaser Antitrust Litigation (\$65.7 million), and Augmentin Antitrust Litigation (\$29 million). Representative antitrust successes on behalf of our clients include:

> Visa/MasterCard

Helped lead this record-breaking antitrust case against credit card giants Visa and MasterCard that challenged charges imposed in connection with debit cards.

RESULT: \$3.05 billion settlement and injunctive relief valued at more than \$20 billion.

> NCAA: Scholarships/Grants-In-Aid (GIAs)

In a first-of-its-kind antitrust action and potentially far-reaching case, Hagens Berman filed a class-action affecting approximately 40,000 Division I collegiate athletes who played men's or women's basketball, or FBS football, brought against the NCAA and its most powerful members, including the Pac-12, Big Ten, Big-12, SEC and ACC, claiming these entities violated federal antitrust laws by drastically reducing the number of scholarships and financial aid student-athletes receive to an amount below the actual cost of attendance and far below what the free market would bare.

The firm continues to fight on behalf of student-athletes to level the playing field and bring fairness to college sports and players.

RESULT: \$208.9 million settlement, bringing an estimated average amount of \$6,500 to each eligible class member who played his or her sport for four years.

> Apple E-books

With state attorneys general, the firm secured a \$166 million settlement with publishing companies that conspired with Apple to fix e-book prices. The firm then look on Apple for its part in the price-fixing conspiracy. In the final stage in the lawsuit, the Supreme Court denied appeal from Apple, bringing the consumer payback amount to more than twice the amount of losses suffered by the class of e-book purchasers. This represents one of the most successful recovery of damages in any antitrust lawsuit in the country.

RESULT: \$560 million total settlements.

PRACTICE AREAS

Antitrust

> Animation Workers Antitrust

Hagens Berman represents a nationwide class of animators and other artistic workers in an antitrust class-action case filed against defendants Pixar, Lucasfilm and its division Industrial Light & Magic, DreamWorks Animation, The Walt Disney Company, Sony Pictures Animation, Sony Pictures Imageworks, Blue Sky Studios, ImageMovers LLC, ImageMovers Digital LLC and others.

RESULT: Total settlements have reached \$168 million, resulting in a payment of more than \$13,000 per class member.

> TFT LCDs

Hagens Berman Sobol Shapiro filed a class-action lawsuit against several major manufacturers of TFT LCD products, claiming the companies engaged in a conspiracy to fix, raise, maintain and stabilize the price of televisions, desktop and notebook computer monitors, mobile phones, personal digital assistants (PDAs) and other devices. After years of representing consumers against multiple defendants in multi-district litigation, the case against Toshiba went to trial. Toshiba was found guilty of price-fixing in 2012, and settled.

RESULT: \$470 million in total settlements.

> DRAM

The suit claimed DRAM (Dynamic Random Access Memory) manufacturers secretly agreed to reduce the supply of DRAM, a necessary component in a wide variety of electronics which artificially raised prices. The class included equipment manufacturers, franchise distributors and purchasers.

RESULT: \$375 million settlement.

> Optical Disk Drives

Hagens Berman fought on behalf of consumers in a lawsuit filed against Philips, Pioneer and others for artificially inflating the price of ODDs for consumers.

RESULT: \$180 million in total settlements reclaimed for consumers.

> Lithium Ion Batteries

Hagens Berman filed a class-action lawsuit against some of the largest electronics manufacturers including Sony, Samsung and Panasonic for illegally fixing the price of lithium ion batteries, pushing costs higher for consumers. Defendants collectively controlled between 60 to 90 percent of the market for lithium-ion batteries between 2000 and 2011 and used that power to fix battery prices.

RESULT: \$65 million in total settlements against multiple defendants.

> AC Nielsen

Represented Information Resources, Inc. ("IRI"), in a suit claiming that AC Nielsen's anti-competitive practices caused IRI to suffer significant losses.

RESULT: \$55 million settlement.

> Dairy Products

The firm filed a class-action suit against several large players in the dairy industry, including the National Milk Producers Federation, Dairy Farmers of America, Land O'Lakes, Inc., Agri-Mark, Inc. and Cooperatives Working Together (CWT) that together produce nearly 70 percent of the milk consumed in the United States. The suit alleging that the groups conspired to fix the price of milk throughout the United States through an organized scheme to limit production, involving the needless and premature slaughtering of 500,000 cows.

RESULT: \$52 million settlement on behalf of consumers in 15 states and the District of Columbia who purchased dairy products.

> Toys "R" Us Baby Products

The firm brought this complaint on behalf of consumers claiming Toys "R" Us and several baby product manufacturers violated provisions of the Sherman Antitrust Act by conspiring to inflate prices of high-end baby products, including car seats, strollers, high chairs, crib bedding, breast pumps and infant carriers. The suit asked the court to end what it claims are anti-competitive activities and seeks damages caused by the company's actions.

RESULT: \$35.5 million settlement.

PRACTICE AREAS

Antitrust

› EA Madden

Class action claimed that video game giant Electronic Arts used exclusive licensing agreements with various football organizations to nearly double the price of several of its games.

RESULT: \$27 million settlement and imposed limits on EA's ability to pursue exclusive licensing agreements.

› Resistors Antitrust Litigation

Hagens Berman is co-lead counsel, representing direct purchasers of linear resistors (a device in electronics used to limit electric current) against an alleged cartel of manufacturers who conspired to limit linear resistor price competition for nearly a decade. The case is in its early stages and discovery is ongoing.

› Nespresso

Hagens Berman has assumed responsibility for a large antitrust case against Nespresso, a leading single-serve espresso and coffee maker, for its anticompetitive efforts to exclude environmentally friendly, biodegradable coffee capsules from the market.

In May 2010, our client Ethical Coffee Company ("ECC") sought to introduce an environmentally sound and more economical coffee capsule to be used in Nespresso's widely used coffee makers. It manufactured a single-use coffee capsule that did not contain harmful aluminum found in Nespresso's capsules. Nespresso knew that ECC posed a formidable challenge to its business model, which relied on captive consumers buying coffee capsules only from Nespresso. With a captive market, Nespresso could continue to charge consumers an inflated price, and continue to use the aluminum capsules that harm the environment. The U.S. Court has already ruled that these claims can proceed to discovery. Hagens Berman anticipates damages associated with Nespresso's actions to be in the hundreds of millions of dollars.

PRACTICE AREAS

Automotive - Non-Emissions Cases

In litigating cases we strive to make an impact for a large volume of consumers, especially those who fall victim to the gross negligence and oversight of some of the nation's largest entities: automakers. Hagens Berman's automotive litigation team has been named a 2016 Practice Group of the Year by Law360, highlighting its "eye toward landmark matters and general excellence," in this area of law.

The federal court overseeing the massive multi-district litigation against Toyota appointed the firm to co-lead one of the largest consolidations of class-action cases in U.S. history. The litigation combined more than 300 state and federal suits concerning acceleration defects tainting Toyota vehicles. Hagens Berman and its two co-lead firms were selected from more than 70 law firms applying for the role. Since then, the firm's automotive practice area has grown by leaps and bounds, pioneering new investigations into defects, false marketing and safety hazards affecting millions of drivers across the nation.

The firm was recently named to the National Law Journal's list of Elite Trial Lawyers for its work fighting corporate wrongdoing in the automotive industry. The firm's auto team members who worked on Toyota were also named finalists for Public Justice's Trial Lawyer of the Year award.

› General Motors Ignition Switch Litigation

Co-lead counsel in high-profile case on behalf of millions of owners of recalled GM vehicles affected by a safety defect linked to more than 120 fatalities. The suit alleges GM did not take appropriate measures, despite having prior knowledge of the defect. The case is pending, and most recently, the Supreme Court refused to hear GM's appeal regarding the pending suits when it claimed the cases were barred by its 2009 bankruptcy.

› Toyota Sudden, Unintended Acceleration Litigation

Co-lead counsel for the economic loss class in this lawsuit filed on behalf of Toyota owners alleging a defect causes vehicles to undergo sudden, unintended acceleration. In addition to safety risks, consumers suffered economic loss from decreased value of Toyota vehicles following media coverage of the alleged defect.

RESULT: Settlement package valued at up to \$1.6 billion, which was at the time the largest automotive settlement in history.

› MyFord Touch

Hagens Berman represents owners of Ford vehicles equipped with MyFord Touch, an in-car communication and entertainment package, who claim that the system is flawed, putting drivers at risk of an accident while causing economic hardship for owners. The complaint cites internal Ford documents that purportedly show that 500 of every 1,000 vehicles have issues involving MyFord Touch due to software bugs, and failures of the software process and architecture. Owners report that Ford has been unable to fix the problem, even after repeated visits. A federal judge overseeing the case recently certified nine subclasses of owners of affected vehicles in various states.

› Nissan Quest Accelerator Litigation

Represented Nissan Quest minivan owners who alleged that their vehicles developed deposits in a part of the engine, causing drivers to apply increased pressure to push the accelerator down.

RESULT: Settlement providing reimbursement for cleanings or replacements and applicable warranty coverage.

› Hyundai Kia MPG

Hagens Berman sued Hyundai and Kia on behalf of owners after the car manufacturers overstated the MPG fuel economy ratings on 900,000 of its cars. The suit seeks to give owners the ability to recover a lump-sum award for the lifetime extra fuel costs, rather than applying every year for that year's losses.

RESULT: \$255 million settlement. Lump-sum payment plan worth \$400 million on a cash basis, and worth even more if owners opt for store credit (150 percent of cash award) or new car discount (200 percent of cash award) options.

PRACTICE AREAS

Automotive - Non-Emissions Cases

› **BMW i3 REx**

Hagens Berman is representing BMW owners in a national class-action lawsuit, following reports that BMW's i3 REx model electric cars contain a defect that causes them to suddenly and without warning lose speed and power mid-drive, putting drivers and passengers at risk of crash and injury.

› **Fiat Chrysler Gear Shifter Rollaway Defect**

Hagens Berman has filed a national class-action lawsuit representing owners of Jeep Grand Cherokee, Chrysler 300 and Dodge Charger vehicles. The lawsuit states that Fiat Chrysler fraudulently concealed and failed to remedy a design defect in 811,000 vehicles that can cause cars to roll away after they are parked, causing injuries, accidents and other serious unintended consequences.

› **Ford Shelby GT350 Mustang Overheating**

Hagens Berman represents owners of certain 2016 Shelby GT350 Mustang models in a case alleging that Ford has sold these vehicles as track cars built to reach and sustain high speeds, but failed to disclose that the absence of a transmission and differential coolers can greatly diminish the vehicle's reported track capabilities. Shelby owners are reporting that this defect causes the vehicle to overheat and go into limp mode, while in use, even when the car is not being tracked

› **Tesla AP2 Defect**

The firm represents Tesla owners in a lawsuit against the automaker for knowingly selling nearly 50,000 cars with nonfunctional Enhanced Autopilot AP2.0 software that still has not met Tesla's promises, including inoperative Standard Safety Features on affected models sold in Q4 2016 and Q1 2017.

PRACTICE AREAS

Automotive - Emissions Litigation

Having played a lead role in the record-breaking Volkswagen diesel emissions case, Hagens Berman knew the story wasn't over. Since the Dieselgate scandal began, the firm has uniquely dedicated resources to uncovering cheating devices used by other automakers. The firm has become a trailblazer in this highly specialized realm, outpacing federal agencies in unmasking fraud in emissions reporting.

When news broke in 2015 of Volkswagen's massive diesel emissions-cheating scandal, Hagens Berman was the first firm in the nation to file suit against the automaker for its egregious fraud, going on to represent thousands of owners in litigation and take a leading role on the Plaintiffs' Steering Committee that would finalize a \$14.7 billion, record-breaking settlement for owners. Since this case emerged, Hagens Berman has been on the forefront of emissions litigation, relying on our legal team's steadfast and intensive investigative skills to unearth many other emissions-cheating schemes perpetrated by General Motors, Fiat Chrysler, Mercedes and other automakers, staying one step ahead of government regulators in our pursuit of car manufacturers that have violated emissions standards and regulations, as well as consumer confidence.

Hagens Berman's managing partner, Steve Berman, has dedicated the firm's resources to upholding the rights of consumers and the environment, becoming a one-man EPA. The firm is uniquely dedicated to this cause, and is the only firm that has purchased an emission testing machine to determine if other diesel car manufacturers install similar cheating devices, bringing new cases based on the firm's own research, time and testing.

> Volkswagen Diesel Emissions Litigation

Hagens Berman was the first firm in the nation to file a lawsuit against Volkswagen for its emissions fraud, seeking swift remedies for consumers affected by Volkswagen's fraud and violation of state regulations. The firm was named to the Plaintiffs' Steering Committee leading the national fight against VW, Porsche and Audi on behalf of owners and lessors of affected vehicles, and also served as part of the Settlement Negotiating team.

RESULT: The largest automotive settlement in history, \$14.7 billion.

> Volkswagen Dealers Litigation

Hagens Berman served as lead counsel in a first-of-its-kind lawsuit brought by a franchise dealer. Three family-owned Volkswagen dealers filed a class action against VW stating that it intentionally defrauded dealers by installing so-called "defeat devices" in its diesel cars, and separately carried out a systematic, illegal pricing and allocation scheme that favored some dealers over others and illegally channeled financing business to VW affiliate, Volkswagen Credit, Inc. The settlement garnered nearly unanimous approval of dealers, with 99 percent participation in the settlement.

RESULT: \$1.67 billion in benefits to Volkswagen dealers.

> Mercedes BlueTEC Emissions Litigation

Judge Jose L. Linares appointed the firm as interim class counsel in this class-action case against Mercedes concerning emissions of its BlueTEC diesel vehicles. Hagens Berman currently represents thousands of vehicle owners who were told by Mercedes that their diesel cars were "the world's cleanest and most advanced diesel," when in fact testing at highway speeds, at low temperatures, and at variable speeds, indicate a systemic failure to meet emissions standards. Low temperature testing at highway speeds for example, produced emissions that were 8.1 to 19.7 times the highway emissions standard. The lawsuit adds that testing at low temperatures at variable speeds produced emissions as high as 30.8 times the standard.

PRACTICE AREAS

Automotive - Emissions Litigation

› Chevy Cruze Diesel Emissions Litigation

Hagens Berman filed a class-action lawsuit against Chevrolet (a division of General Motors) for installing emissions-cheating software in Cruze Clean Turbo Diesel cars, forcing consumers to pay high premiums for vehicles that pollute at illegal levels. While Chevy marketed these cars as a clean option, the firm's testing has revealed emissions released at up to 13 times the federal standard. In a recent ruling, U.S. District Judge Thomas L. Ludington upheld claims brought by owners.

› Audi Emissions Litigation

Hagens Berman unearthed additional emissions-cheating by Audi, affecting its gasoline 3.0-liter vehicles. The firm's investigation shows that the newly discovered defeat device is installed in gasoline engines and changes how the transmission operates when testing is detected to lower CO2 emissions, but otherwise allows excessive CO2 emissions in normal, on-road driving.

› Fiat Chrysler EcoDiesel Emissions Litigation

The firm is leading charges against Fiat Chrysler that it sold hundreds of thousands of EcoDiesel-branded vehicles that release illegally high levels of NOx emissions, despite explicitly selling these "Eco" diesels to consumers who wanted a more environmentally friendly vehicle. Hagens Berman was the first firm in the nation to uncover this scheme and file against Fiat Chrysler on behalf of owners of Dodge RAM 1500 and Jeep Grand Cherokee EcoDiesel vehicles. Following the firm's groundbreaking suit, the EPA took notice, filing formal accusations against Fiat Chrysler.

› Dodge RAM 2500/3500 Diesel Emissions Litigation

According to the firm's investigation, Dodge has sold hundreds of thousands of Dodge RAM 2500 and 3500 trucks equipped with Cummins diesel engines that release illegally high levels of NOx emissions at up to 14 times the legal limit. This defect causes certain parts to wear out more quickly, potentially costing owners between \$3,000 and 5,000 to fix. The firm is leading a national class action against Fiat Chrysler for knowingly inducing consumers to pay premium prices for vehicles that fail to comply with federal regulations, and ultimately lead to higher costs of repairs for purchasers.

› General Motors Duramax Emissions Litigation

Hagens Berman recently pioneered another instance of diesel emissions fraud. The firm's independent testing revealed that GM had installed multiple emissions-masking defeat devices in its Duramax trucks, including Chevy Silverado and GMC Sierra models, in a cover-up akin to Volkswagen's Dieselgate concealment. In real world conditions the trucks emit 2 to 5 times the legal limit of deadly NOx pollutants, and the emissions cheating devices are installed in an estimated 705,000 affected vehicles.

PRACTICE AREAS

Civil and Human Rights

Hagens Berman has represented individuals and organizations in difficult civil rights challenges that have arisen in the past two decades. In doing so, we have managed cases presenting complex legal and factual issues that are often related to highly charged political and historical events. Our clients have included such diverse communities as World War II prisoners of war, conscripted civilians and entire villages.

In this cutting-edge practice area, the firm vigilantly keeps abreast of new state and national legislation and case-law developments. We achieve positive precedents by zealously prosecuting in our clients' interests. Some examples of our work in this area include:

› **World Trade Organization Protests**

During the 1999 World Trade Organization (WTO) protests in Seattle, tens of thousands of Seattle citizens became targets after Seattle officials banned all forms of peaceful protest. Seattle police attacked anyone found in the designated "no protest" zones with rubber bullets and tear gas. Hundreds of peaceful protesters were arrested and incarcerated without probable cause for up to four days. The firm won a jury trial on liability and ultimately secured a settlement from Seattle officials after filing a class action alleging violations of the First and Fourth Amendments.

› **Hungarian Gold Train**

Following the firm's representation of former forced and enslaved laborers for German companies in the Nazi Slave Labor Litigation, Hagens Berman led a team of lawyers against the U.S. on behalf of Hungarian Holocaust survivors in the Hungarian Gold Train case. The suit claimed that, during the waning days of World War II, the Hungarian Nazi government loaded plaintiffs' valuable personal property onto a train, which the U.S. Army later seized, never returning the property to its owners and heirs.

› **Dole Bananas**

Hagens Berman filed suit against the Dole Food Company, alleging that it misled consumers about its environmental record. The complaint alleged that Dole purchased bananas from a grower in Guatemala that caused severe environmental damage and health risks to local residents. Dole ultimately agreed to take action to improve environmental conditions, collaborating with a non-profit group on a water filtration project for local communities.

PRACTICE AREAS

Consumer Protection - General Class Litigation

Hagens Berman is a leader in protecting consumers, representing millions in large-scale cases that challenge unfair, deceptive and fraudulent practices.

We realize that consumers suffer the brunt of corporate wrongdoing and have little power to hold companies responsible or to change those tactics. We believe that when backed by a tenacious spirit and determination, class action cases have the ability to serve as a powerful line of defense in consumer protection.

Hagens Berman pursues class litigation on behalf of clients to confront fraudulent practices that consumers alone cannot effectively dispute. We make consumers' concerns a priority, collecting consumer complaints against suspected companies and exploring all avenues for prosecution.

Hagens Berman's legacy of protecting consumer rights reflects the wide spectrum of scams that occur in the marketplace. The cases that we have led have challenged a variety of practices such as:

- › False, deceptive advertising of consumer products and services
- › False billing and over-charging by credit card companies, banks, telecommunications providers, power companies, hospitals, insurance plans, shipping companies, airlines and Internet companies
- › Deceptive practices in selling insurance and financial products and services such as life insurance and annuities
- › Predatory and other unfair lending practices, and fraudulent activities related to home purchases

A few case examples are:

› **Expedia Hotel Taxes and Service Fees Litigation**

Hagens Berman led a nationwide class-action suit arising from bundled "taxes and service fees" that Expedia collects when its consumers book hotel reservations. Plaintiffs alleged that by collecting exorbitant fees as a flat percentage of the room rates, Expedia violated both the Washington Consumer Protection Act

and its contractual commitment to charge as service fees only "costs incurred in servicing" a given reservation.

RESULT: Summary judgment in the amount of \$184 million. The case settled for cash and consumer credits totaling \$123.4 million.

› **Stericycle**

The firm served as court-appointed lead counsel in a class-action lawsuit against Stericycle alleging that the company violated contracts and defrauded them by hundreds of millions of dollars through an automatic price-increasing scheme. In February of 2017, a federal judge certified a nationwide consumer class. The class had more than 246,000 class members, with damages estimated preliminarily at \$608 million.

RESULT: \$295 million settlement

› **Tenet Healthcare**

In a pioneering suit filed by Hagens Berman, plaintiffs alleged that Tenet Healthcare charged excessive prices to uninsured patients at 114 hospitals owned and operated by Tenet subsidiaries in 16 different states.

RESULT: Tenet settled and agreed to refund to class members amounts paid in excess of certain thresholds over a four-and-a-half year period.

PRACTICE AREAS

Consumer Protection - General Class Litigation

› Wells Fargo Force-Placed Insurance

Hagens Berman brought a case against Wells Fargo alleging it used “force-placed” insurance clauses in mortgage agreements, a practice that enables the bank to charge homeowners insurance premiums up to 10 times higher than normal rates.

RESULT: Hagens Berman reached a settlement in this case, under which all class members will be sent checks for more than double the amount of commissions that Wells Fargo wrongfully extracted from the force placement of insurance on class members’ properties.

› Consumer Insurance Litigation

Hagens Berman has pioneered theories to ensure that in first- and third-party contexts consumers and health plans always receive the treatment and benefits to which they are entitled. Many of our cases have succeeded in expanding coverage owed and providing more benefits; recovering underpayments of benefits; and returning uninsured/underinsured premiums from the misleading tactics of the insurer.

PRACTICE AREAS

Consumer Protection - Drug and Supplement Litigation

Hagens Berman aggressively pursues pharmaceutical industry litigation, fighting against waste, fraud and abuse in healthcare. For decades, pharmaceutical manufacturers have been among the most profitable companies in America. But while pharmaceutical companies become richer, consumers, health plans and insurers pay higher costs for prescription and over-the-counter drugs and supplements. We shine the light of public scrutiny on this industry's practices and represent individuals, direct and indirect purchasers, and the nation's most forward-thinking public-interest groups.

The firm's pharmaceutical and dietary supplement litigation practice is second to none in the nation in terms of expertise, commitment and landmark results. Hagens Berman's attorneys have argued suits against dozens of major drug companies and the firm's aggressive prosecution of pharmaceutical industry litigation has recovered more than \$1 billion in gross settlement funds.

RECENT ANTITRUST RESOLUTIONS

In the last few years, Hagens Berman – as lead or co-lead class counsel – has garnered significant settlements in several antitrust cases involving prescription drugs. In each case, the plaintiffs alleged that a manufacturer of a brand-name drug violated federal or state antitrust laws by delaying generic competitors from coming to market, forcing purchasers to buy the more expensive brand name version instead of the generic equivalent. Examples of our recent successes include:

> Flonase Antitrust Litigation

Hagens Berman represented purchasers in this case alleging pharmaceutical giant GlaxoSmithKline filed petitions to prevent the emergence of generic competitors to its drug Flonase, all to overcharge consumers and purchasers of the drug, which would have been priced lower had a generic competitor been allowed to come to market.

RESULT: \$150 million class settlement.

> Prograf Antitrust Litigation

Hagens Berman represented purchasers who alleged Astellas Pharma US, Inc. unlawfully maintained its monopoly and prevented generic competition for Prograf, an immunosuppressant used to help prevent organ rejection in transplant patients, harming purchasers by forcing them to pay inflated brand name prices for longer than they should have absent the anticompetitive conduct.

RESULT: The parties' motion for final approval of the \$98 million class settlement is under advisement with the court.

> Relafen Antitrust Litigation

Hagens Berman filed a class-action lawsuit against GlaxoSmithKline, SmithKline Beecham Corporation, Beecham Group PLC and SmithKline Beecham PLC, on behalf of consumers and third-party payors who purchased the drug Relafen or its generic alternatives. The suit alleged that the companies who manufacture and sell Relafen unlawfully obtained a patent which allowed them to enforce a monopoly over Relafen and prevented competition by generic prescription drugs, causing consumers to pay inflated prices for the drug.

RESULT: Under the terms of the settlement, the defendants will pay damages of \$75 million to those included in the class. Of the total settlement amount, \$25 million will be allocated to consumers and \$50 million will be used to pay the claims of insurers and other third-party payors.

PRACTICE AREAS

Consumer Protection - Drug and Supplement Litigation

> Skelaxin Antitrust Litigation

The firm represented purchasers in this case alleging King Pharmaceuticals LLC and Mutual Pharmaceutical Company alleging conspired to suppress generic competition and preserve King's monopoly in the market for the brand name muscle relaxant Skelaxin.

RESULT: \$73 million class settlement.

> Tricor Antitrust

In June 2005, Hagens Berman filed an antitrust lawsuit on behalf of a class of consumers and third party payors against pharmaceutical manufacturers Abbott Laboratories and Fournier Industries concerning the brand name cholesterol drug Tricor. HBSS was appointed co-lead class counsel by the Court.

RESULT: \$65.7 million recovery for consumers and third party payers who sued Abbott Laboratories and Fournier Industries in an antitrust action concerning the cholesterol drug Tricor.

FRAUDULENT DRUG PRICING RESOLUTIONS

Hagens Berman has led many complex cases that take on fraud and inflated drug prices throughout the U.S. This includes sweeping manipulation of the average wholesale price benchmark used to set prices for prescription drugs nationwide, fraudulent marketing of prescription drugs and the rampant use of co-pay subsidy cards that drive up healthcare costs. These efforts have led to several significant settlements:

> McKesson and First DataBank Drug Litigation

The firm discovered a far-reaching fraud by McKesson and became lead counsel in this RICO case against McKesson and First DataBank, alleging the companies fraudulently inflated prices of more than 400 prescription drugs.

RESULT: \$350 million settlement and a four percent rollback on the prices of 95 percent of the nation's retail branded drugs, the net impact of which could be in the billions of dollars. The states and federal government then used Hagens Berman's work to bring additional suits. Hagens Berman represented several states and obtained settlements three to seven times more than that of the Attorneys General. Almost \$1 billion was recovered from the McKesson fraud.

> Average Wholesale Price Drug Litigation

Hagens Berman served as co-lead counsel and lead trial counsel in this sprawling litigation against most of the nation's largest pharma companies, which alleges defendants artificially inflated Average Wholesale Price.

RESULT: Approximately \$338 million in class settlements. Hagens Berman's work in this area led to many state governments filing suit and hundreds of millions in additional recovery.

FRAUDULENT MARKETING RESOLUTIONS

Hagens Berman also litigates against drug companies that fraudulently promote drugs for uses not approved by the Food and Drug Administration (FDA), commonly known as "off-label" uses. We also litigate cases against dietary supplement manufacturers for making false claims about their products. Recent successes include:

> Neurontin Third Party Payor Litigation

Hagens Berman served as co-lead trial counsel in this case alleging that Pfizer fraudulently and unlawfully promoted the drug Neurontin for uses unapproved by the FDA.

RESULT: A jury returned a \$47 million verdict in favor of a single third-party payor plaintiff, automatically trebled to \$142 million, and the court recently approved a \$325 million class settlement.

> Lupron

Hagens Berman prosecuted a lawsuit against TAP Pharmaceuticals Products, Inc. on behalf of a class of consumers and third-party payors who purchased the drug Lupron. The suit charged that TAP Pharmaceutical Products, Inc., Abbott Laboratories and Takeda Pharmaceutical Company Limited conspired to fraudulently market, sell and distribute Lupron, causing consumers to pay inflated prices for the drug.

RESULT: Judge Richard Stearns issued a preliminary approval of the proposed settlement between TAP Pharmaceuticals and the class. Under the terms of the settlement, \$150 million will be paid by TAP on behalf of all defendants.

PRACTICE AREAS

Consumer Protection - Drug and Supplement Litigation

> Celebrex/Bextra

Hagens Berman filed a class-action lawsuit against Pfizer on behalf of individual consumers and third-party payors who paid for the drug Bextra. The firm was praised by Judge Breyer for its “unstinting” efforts on behalf of the class, adding, “The attorneys on both sides were sophisticated, skilled, professional counsel whose object was to zealously pursue their clients’ interest, but not at the cost of abandoning the appropriate litigation goals, which were to see, whether or not, based upon the merits of the cases, a settlement could be achieved.”

RESULT: \$89 million settlement.

> Vioxx Third Party Payor Marketing and Sales Practices Litigation

The firm served as lead counsel for third party payors in the Vioxx MDL, alleging that Merck & Co. misled physicians, consumers and health benefit providers when it touted Vioxx as a superior product to other non-steroidal anti-inflammatory drugs. According to the lawsuit,

The drug had no benefits over less expensive medications, but carried increased risk of causing cardiovascular events.

RESULT: \$80 million settlement.

> Seroxo Drug Litigation

Hagens Berman served as lead counsel for a class of consumers and third party payors in a suit alleging that global biotechnology company Seroxo, Inc. schemed to substantially increase sales of the AIDS drug Serostim by duping patients diagnosed with HIV into believing they suffered from AIDS-wasting and needed the drug to treat that condition.

RESULT: \$24 million settlement.

> Bayer Combination Aspirin/Supplement Litigation

Hagens Berman served as lead counsel on behalf of consumers in a suit alleging that Bayer Healthcare LLC deceptively marketed Bayer® Women’s Low-Dose Aspirin + Calcium, an 81 mg aspirin pill combined with calcium, and Bayer® Aspirin With Heart Advantage, an 81 mg aspirin pill combined with phytosterols. Plaintiffs alleged that Bayer overcharged consumers for these products or that these products should not have been sold, because these products were not FDA-approved, could not provide all advertised health benefits, and were inappropriate for long-term use.

RESULT: \$15 million settlement.

OTHER LANDMARK CASES

> New England Compounding Center Meningitis Outbreak

In 2012, the Center for Disease Control confirmed that New England Compounding Center sold at least 17,000 potentially tainted steroid shots to 75 clinics in 23 states across the country, resulting in more than 64 deaths and 751 cases of fungal meningitis, stroke or paraspinal/peripheral joint infection. HBSS attorneys Thomas M. Sobol and Kristen A. Johnson serve as Court-appointed Lead Counsel for the Plaintiffs’ Steering Committee on behalf of plaintiff-victims in MDL 2419 consolidated before The Honorable Ray W. Zobel in the United States District Court for the District of Massachusetts.

RESULT: \$100 million settlement.

PRACTICE AREAS

Employment Litigation

Hagens Berman takes special interest in protecting workers from exploitation or abuse. We take on race and gender discrimination, immigrant worker issues, wage and hour issues, on-the-job injury settlements and other crucial workplace issues.

Often, employees accept labor abuses or a curbing of their rights because they don't know the law, respect their superiors or fear for their jobs. We act on behalf of employees who may lack the individual power to bring about meaningful change in the workplace. We take a comprehensive approach to rooting out systemic employee abuses through in-depth investigation, knowledgeable experts and fervent exploration of prosecution strategies. Hagens Berman is a firm well-versed in taking on complicated employee policies and bringing about significant results. Representative cases include:

› CB Richard Ellis Sexual Harassment Litigation

Filed a class action against CB Richard Ellis, Inc., on behalf of 16,000 current and former female employees who alleged that the company fostered a climate of severe sexual harassment and discriminated against female employees by subjecting them to a hostile, intimidating and offensive work environment, also resulting in emotional distress and other physical and economic injuries to the class.

RESULT: An innovative and unprecedented settlement requiring changes to human resources policies and procedures, as well as the potential for individual awards of up to \$150,000 per class member. The company agreed to increase supervisor accountability, address sexually inappropriate conduct in the workplace, enhance record-keeping practices and conduct annual reviews of settlement compliance by a court appointed monitor.

› Costco Wholesale Corporation Wage & Hour Litigation

Filed a class action against Costco Wholesale Corporation on behalf of 2,000 current and former ancillary department employees, alleging that the company misclassified them as "exempt" executives, denying these employees overtime compensation, meal breaks and other employment benefits.

RESULT: \$15 million cash settlement on behalf of the class.

› Washington State Ferry Workers Wage Litigation

Represented "on-call" seamen who alleged that they were not paid for being "on call" in violation of federal and state law.

RESULT: Better working conditions for the employees and rearrangement in work assignments and the "on-call" system.

› SunDance Rehabilitation Corporation

Filed a class action against SunDance challenging illegal wage manipulation, inconsistent contracts and other compensation tricks used to force caregivers to work unpaid overtime.

RESULT: \$3 million settlement of stock to be distributed out of the company's bankruptcy estate.

› Schneider National Carriers - Regional Drivers

The firm represents a certified class of regional drivers in a suit filed against Schneider National Carriers, claiming that the company failed to pay its workers for all of their on duty time devoted to a variety of work tasks, including vehicle inspections, fueling, and waiting on customers and assignments. The suit also claims that the company does not provide proper meal and rest breaks and the company is liable for substantial penalties under the California Labor Code.

RESULT: A \$28 million settlement on behalf of drivers.

› Schneider National Carriers - Mechanics

Hagens Berman filed a class-action lawsuit alleging that Schneider National Carriers failed to provide mechanics with proper overtime compensation, meal and rest break premiums, and accurate wage statements as required by California law.

RESULT: In March of 2013, the case was settled on terms mutually acceptable to the parties.

PRACTICE AREAS

Employment Litigation

> **Swift Transportation Co. of Arizona LLC**

The firm represents a certified class of Washington-based truck drivers against Swift Transportation. The suit alleges that Swift failed to pay the drivers overtime and other earned wages in violation of Washington state law.

An agreement to settle the case was granted preliminary approval in October 2018. Final approval is pending.

PRACTICE AREAS

Environmental Litigation

Since Hagens Berman's founding, it has sought to work toward one simple goal: work for the greater good. Hagens Berman has established a nationally recognized environmental litigation practice, having handled several landmark cases in the Northwest, the nation and internationally.

Hagens Berman believes that protecting and restoring our environment from damage caused by irresponsible and illegal corporate action is some of the most rewarding work a law firm can do. Our firm has established an internationally recognized environmental litigation practice.

SCIENCE AND THE LAW

Hagens Berman's success in environmental litigation stems from a deep understanding of the medical and environmental science that measures potential hazards. That expertise is translated into the courtroom as our attorneys explain those hazards to a judge or jury in easily understood terms.

ENVIRONMENTAL EXPERTS

The firm has fostered deep relationships with top-notch environmental experts that result in resonating arguments and court victories, as well as thoroughly researched and vetted investigations.

REAL IMPACTS

Environmental law is a priority at our firm and we have taken an active role in expanding this practice area. In 2003, Steve Berman and his wife Kathy worked with the University of Washington to create the Kathy and Steve Berman Environmental Law Clinic, giving law students the training and opportunities needed to become hands-on advocates for the environment.

Hagens Berman's significant environmental cases include:

> Exxon Valdez Oil Spill Litigation

Hagens Berman represented various classes of claimants, including fisherman and businesses located in Prince William Sound and other impacted areas who were damaged by one of the worst oil spills in United States history.

RESULT: A \$5 billion judgment was awarded by a federal jury, and a \$98 million settlement was achieved with Alyeska, the oil company consortium that owned the output of the pipeline.

> San Francisco and Oakland Climate Change Litigation

Hagens Berman represents the cities of San Francisco and Oakland, Calif. in two lawsuits filed against BP, Chevron Corp., Exxon Mobil Corp., Royal Dutch Shell PLC and ConocoPhillips alleging that the Big Oil giants are responsible for the cities' costs of protecting themselves from global warming-induced sea level rise, including expenses to construct seawalls to protect the two cities' more than 5 million residents. The newly filed case seek an order requiring defendants to abate the global warming-induced sea level rise by funding an abatement program to build sea walls and other infrastructure. Attorneys for the cities say this abatement fund will be in the billions.

> Chinook Ferry Litigation

The firm represented a class of property owners who challenged Washington State Ferries' high-speed operation of a new generation of fast ferries in an environmentally sensitive area of Puget Sound. Two of the ferries at issue caused environmental havoc and property damage, compelling property owners to act. A SEPA study conducted in response to the suit confirmed the adverse environmental impacts of the fast ferry service

RESULT: A \$4.4 million settlement resulted that is among the most favorable in the annals of class litigation in Washington state.

> Grand Canyon Litigation

The firm represented the Sierra Club in a challenge to a Forest Service decision to allow commercial development on the southern edge of the Grand Canyon National Park.

RESULT: The trial court enjoined the project.

PRACTICE AREAS

Environmental Litigation

› Kerr-McGee Radiation Case

The firm brought a class action on behalf of residents of West Chicago, Illinois who were exposed to radioactive uranium tailings from a rare earth facility operated by Kerr-McGee.

RESULT: A medical monitoring settlement valued in excess of \$5 million

› Skagit Valley Flood Litigation

Hagens Berman represented farmers, homeowners and businesses who claimed damages as a result of the 1990 flooding of this community. The case was in litigation for ten years and involved a jury trial of more than five months.

RESULT: Following the entry of 53 verdicts against Skagit County, the trial court entered judgments exceeding \$6.3 million. Ultimately, the State Supreme Court reversed this judgment. Despite this reversal, the firm is proud of this representation and believes that the Supreme Court erred.

› Idaho Grass Burning Case

In 2002, Hagens Berman brought a class-action lawsuit on behalf of Idaho residents who claimed grass-burning farmers released more than 785 tons of pollutants into the air, including concentrations of polycyclic aromatic hydrocarbons (PAHs), proven carcinogens. Burning the fields annually caused serious health problems, especially to those with respiratory ailments such as cystic fibrosis and asthma. The suit also asserted that Idaho's grass burning policies are far below the standards of other states such as neighboring Washington, where farmers use other techniques to remove grass residue from the fields.

RESULT: The lawsuit settled in 2006 under confidential terms.

› Dole Bananas Case

The firm took on Dole Food Company Inc. in a class-action lawsuit claiming the world's largest fruit and vegetable company lied to consumers about its environmental record and banana-growing practices. The suit alleged that Dole misrepresented its commitment to the environment in selling bananas from a Guatemalan banana plantation that did not comply with proper environmental practices.

RESULT: The suit culminated in 2013. Dole and non-profit organization Water and Sanitation Health, Inc. collaborated on a water filter project to assist local communities in Guatemala.

› Diesel Emissions Litigation

Second to none in uncovering emissions-cheating, the firm has dedicated its time and resources to breaking up the dirty diesel ring. After filing the first lawsuit in the country against Volkswagen, Audi and Porsche for its massive Dieselgate scandal in 2015, the firm went on to unmask emissions-cheating devices installed in vehicles made by Fiat Chrysler, Mercedes and General Motors and continues to investigate diesel cars for excessive, illegal and environmentally harmful levels of emissions.

RESULT: The firm's independently researched active cases have led to investigations by the EPA, DOJ and European authorities.

› Kivalina Global Warming Litigation

A tiny impoverished Alaskan village of Inupiat Eskimos took action against some of the world's largest greenhouse gas offenders, claiming that contributions to global warming are leading to the destruction of their village and causing erosion to the land that will eventually put the entire community under water. Hagens Berman, along with five law firms and two non-profit legal organizations, filed a suit against nine oil companies and 14 electric power companies that emit large quantities of greenhouse gases into the atmosphere. The lawsuit alleged their actions resulted in the destruction of protective ice, exposing the village to severe storms that destroy the ground the village stands on. Relocating the village of Kivalina could cost between \$95 and \$400 million, an expense the community cannot afford.

› Cane Run Power Plant Coal Ash Case

In 2013, Hagens Berman filed a class-action lawsuit against Louisville Gas and Electric Company alleging it illegally dumped waste from a coal-fired power plant onto neighboring property and homes where thousands of Kentucky residents live. According to the complaint, Louisville Gas and Electric Company's Cane Run Power Plant is fueled by the burning of coal, which also produces coal combustion byproducts—primarily fly ash and bottom ash—that contain significant quantities of toxic materials, including arsenic, chromium and lead. The dust spewed by Cane Run contains known carcinogens, posing significant potential health hazards.

PRACTICE AREAS

Governmental Representation

Hagens Berman has been selected by public officials to represent government agencies and bring civil law enforcement and damage recoupment actions designed to protect citizens and the treasury. We understand the needs of elected officials and the obligation to impartially and zealously represent the interests of the public, are often chosen after competitive bidding and have been hired by officials from across the political spectrum.

Hagens Berman has assisted governments in recovering billions of dollars in damages and penalties from corporate wrongdoers and, in the process, helped reform how some industries do business. In serving government, we are often able to leverage the firm's expertise and success in related private class-action litigation. Successes on behalf of government clients include:

> Big Tobacco

We represented 13 states in landmark Medicaid-recoupment litigation against the country's major tobacco companies. Only two states took cases to trial – Washington and Minnesota. The firm served as trial counsel for the state of Washington, becoming only one of two private firms in the entire country to take a state case to trial.

Hagens Berman was instrumental in developing what came to be accepted as the predominant legal tactic to use against the tobacco industry: emphasizing traditional law enforcement claims such as state consumer protection, antitrust and racketeering laws. This approach proved to be nearly universally successful at the pleading stage, leaving the industry vulnerable to a profits-disgorgement remedy, penalties and double damages. The firm also focused state legal claims on the industry's deplorable practice of luring children to tobacco use.

RESULT: \$206 billion for state programs, the largest settlement in the history of civil litigation in the U.S.

> McKesson Average Wholesale Price Litigation

This litigation is yet another example of fraudulent drug price inflation impacting not just consumers and private health plans, but public health programs such as Medicaid and local government-sponsored plans as well.

RESULT: Hagens Berman has started the AWP class action, which resulted in many states filing cases. The firm represented several of those states in successful litigation.

> McKesson Government Litigation

On the heels of Hagens Berman's class action against McKesson, the firm led lawsuits by states (Connecticut, Utah, Virginia, Montana, Arizona).

RESULT: These states obtained recoveries three to seven times larger than states settling in the multi-state Attorneys General settlement. In addition, the firm obtained \$12.5 million for the City of San Francisco and \$82 million for a nationwide class of public payors.

> Zyprexa Marketing & Sales Practices Litigation - Connecticut

Hagens Berman served as outside counsel to then-Attorney General Richard Blumenthal in litigation alleging that Lilly engaged in unlawful off-label promotion of the atypical antipsychotic Zyprexa. The litigation also alleged that Lilly made significant misrepresentations about Zyprexa's safety and efficacy, resulting in millions of dollars in excess pharmaceutical costs borne by the State and its taxpayers.

RESULT: \$25 million settlement.

> General Motors Ignition Switch Litigation

Hagens Berman is pleased to be assisting the Arizona Attorney General in its law enforcement action versus GM, as well as the district attorney of Orange County, California who filed a consumer protection lawsuit against GM, claiming the automaker deliberately endangered motorists and the public by intentionally concealing widespread, serious safety defects.

PRACTICE AREAS

Governmental Representation

› State Opioid Litigation

Hagens Berman was hired to assist multiple municipalities in lawsuits brought against large pharmaceutical manufacturers including Purdue Pharma, Cephalon, Janssen Pharmaceuticals, Endo Health Solutions and Actavis charging that these companies and others deceived physicians and consumers about the dangers of prescription painkillers.

The firm was first hired by California governmental entities for the counties of Orange and Santa Clara. The state of Mississippi also retained the firm's counsel in its state suit brought against the manufacturer of opioids. The suit alleges that the pharma companies engaged in tactics to prolong use of opioids despite knowing that opioids were too addictive and debilitating for long-term use for chronic non-cancer pain.

In a third filing, Hagens Berman was retained as trial counsel for the state of Ohio. Filed on May 31, 2017, the firm is assisting the Ohio Attorney General's office in its case against five opioid makers. Ohio Attorney General Mike DeWine stated that "drug companies engaged in fraudulent marketing regarding the risks and benefits of prescription opioids which fueled Ohio's opioid epidemic," and that "these pharmaceutical companies purposely misled doctors about the dangers connected with pain meds that they produced, and that they did so for the purpose of increasing sales."

› Municipal Lending

Hagens Berman represents the cities of Los Angeles and Miami in a series of lawsuits filed against the nation's largest banks, including CitiGroup, JP Morgan, Wells Fargo and Bank of America alleging that they engage in systematic discrimination against minority borrowers, resulting in reduced property tax receipts and other damages to the cities. The suits seek damages for the City, claiming that the banks' alleged discriminatory behavior resulted in foreclosures, causing a reduction of property tax revenues and increased municipal service costs.

PRACTICE AREAS

Intellectual Property

The Hagens Berman intellectual property team has deep experience in all aspects of intellectual property litigation. We specialize in complex and significant damages cases against some of the world's largest corporations.

The firm is primarily engaged in patent infringement litigation at this time. We seek to represent intellectual property owners, including inventors, universities, non-practicing entities, and other groups whose patent portfolios represents a significant creative and capital investment.

Our current and recent engagements include the following:

> **Bombardier Inc.**

The firm represented Arctic Cat Inc. in patent infringement litigation against Bombardier Recreational Products and BRP U.S. Inc. The complaint alleges that Bombardier's Sea-Doo personal watercraft infringe Arctic Cat's patents covering temporary steerable thrust technology used when the rider turns in off-throttle situations.

RESULT: Florida U.S. District Judge Beth Bloom issued a final judgment of \$46.7 million against defendants, trebling initial damages of \$15.5 million awarded in a unanimous jury verdict.

> **Angry Birds**

Hagens Berman represented a Seattle artist who filed a lawsuit against Hartz Mountain Corporation – one of the nation's largest producers of pet-related products – claiming the company illegally sold the artist's trademarked Angry Birds pet toy line to video game giant Rovio Entertainment Ltd, robbing her of millions of dollars of royalty fees.

RESULT: The case settled under confidential terms, which the firm found to be extremely satisfactory for the plaintiff.

> **Samsung, LG, Apple**

The firm represents FlatWorld Interactives LLC in patent litigation against Samsung, LG and Apple. The complaints allege that the defendants' mobile handsets, tablets, media players and other devices infringe a FlatWorld patent covering the use of certain gestures to control touchscreen displays.

RESULT: The case settled.

> **Oracle**

The firm represents Thought Inc. against Oracle Corporation in a suit alleging infringement of seven patents covering various aspects of middleware systems providing application to database mapping, reading and persistence.

> **Salesforce**

The firm represents Applications in Internet Time LLC in patent litigation against Salesforce Inc. The suit alleges that our client's patents cover the core architecture of Salesforce's platform for developing, customizing, and updating cloud-based software applications.

> **Nintendo**

The firm represented Japan-based Shinsedai Company in patent infringement litigation against Nintendo. The suit alleged that our client's patents were infringed by various sports games for the Nintendo Wii.

Unlike other intellectual property firms, Hagens Berman only represents plaintiffs. This reduces the risk of potential conflicts of interest which often create delays in deciding whether or not to take a case at larger firms.

PRACTICE AREAS

Intellectual Property

› Electronic Arts

Hagens Berman represents the original software developer of the Electronic Arts (EA) NFL Madden Football video game series in a suit alleging that he is owed royalties on EA Madden NFL titles as well as other derivative products. We prevailed in two trials against EA, and the verdicts were designated as the Top Verdict of the Year (2013) by The Daily Journal. The judgment is on appeal and if upheld will return for a final damages phase.

Hagens Berman is also skilled in other aspects of intellectual property law, including trademark, trade dress, trade secret and copyright litigation.

PRACTICE AREAS

Investor Fraud – Individual and Class Action Litigation

Investing is a speculative business involving assessment of a variety of risks that can only be properly weighed with full disclosure of accurate information. No investor should suffer undue risk or incur losses due to misrepresentations related to their investment decisions.

Our attorneys work for institutional and individual investors defrauded by unscrupulous corporate insiders and mutual funds. The firm vigorously pursues fraud recovery litigation, forcing corporations and mutual funds to answer to deceived investors.

Hagens Berman is one of the country's leading securities litigation firms advising clients in both individual and class-action cases. The firm has experience, dedication and a team with the horsepower required to drive complex cases to exemplary outcomes. Our attorneys are authorities in an array of issues unique to federal and state securities statutes and related laws. We use a variety of highly experienced experts as an integral part of our prosecution team. Successes on behalf of our investor clients include:

> Charles Schwab Securities Litigation

Lead counsel, alleging fraud in the management of the Schwab YieldPlus mutual fund.

RESULT: \$235 million class settlement for investors.

> Oppenheimer

Additional counsel for lead plaintiffs in class action alleging Oppenheimer misled investors regarding its Champion and Core Bond Funds.

RESULT: \$100 million for the classes.

> Tremont

Co-lead counsel in a case alleging Tremont Group Holdings breached its fiduciary duties by turning over \$3.1 billion to Bernard Madoff. On Sept. 14, 2015, after nearly two years of negotiations and mediation, the court granted final approval of the plan of allocation and distribution of the funds which markets estimate could yield investors as much as \$1.45 billion.

RESULT: \$100 million settlement between investors, Tremont and its affiliates.

> Boeing

Uncovered critical production problems with the 777 airliner documented internally by Boeing, but swept under the rug until a pending merger with McDonnell Douglas was completed.

RESULT: Record-breaking settlement of more than \$92.5 million.

> J.P. Morgan – Madoff

Case alleges that banking and investment giant J.P. Morgan was complicit in aiding Bernard Madoff's Ponzi scheme. Investors claim that J.P. Morgan operated as Bernard L. Madoff Investment Securities LLC's primary banker for more than 20 years.

RESULT: \$218 million settlement amount for the class and a total of \$2.2 billion paid from JPMorgan that will benefit victims of Madoff's Ponzi scheme.

> Morrison Knudsen

Filed a shareholder class action, alleging that MK's senior officers concealed hundreds of millions in losses.

RESULT: More than \$63 million for investors.

> Raytheon/Washington Group

Charged Raytheon with deliberately misrepresenting the true financial condition of Raytheon Engineers & Constructors division in order to sell this division to the Washington Group at an artificially inflated price.

RESULT: \$39 million settlement.

> U.S. West

Represented shareholders of U.S. West New Vector in a challenge to the proposed buyout of minority shareholders by U.S. West.

RESULT: The proposed buyout was stayed, and a settlement was achieved, resulting in a \$63 million increase in the price of the buyout.

PRACTICE AREAS

Investor Fraud - Individual and Class Action Litigation

Our current casework includes:

› Theranos Investor Litigation

Hagens Berman represents Theranos investors in a lawsuit that states that Theranos and its officers set in motion a publicity campaign to raise billions of dollars for Theranos and themselves, and to induce investors to invest in Theranos, all the while knowing that its “revolutionary” blood test technology was essentially a hoax. The suit filed against the company, its CEO Elizabeth Holmes and Ramesh Balwani, alleges that Theranos’ statements to investors were built on false statements. At the crux of the court’s recent decision to uphold the investor case against Theranos was a finding that while plaintiffs did not directly purchase their securities from defendants, claims made by Theranos, Holmes and Balwani constituted fraud.

› Aequitas Investor Litigation

The firm represents a group of investors alleging that national law firm Sidley Austin LLP, Oregon law firm Tonkon Torp LLP and accounting firms Deloitte & Touche LLP and EisnerAmper LLP violated Oregon securities laws by participating or materially aiding in misrepresentations made by Aequitas Management LLC and contributing to a \$350 million Ponzi scheme. Investors state, amongst other allegations, that in 2011 Aequitas began purchasing loan receivables from Corinthian College Inc. and had bought the rights to collect \$444 million in loans. Investment managers hid the details of the transactions from investors, and deceived them when Corinthian’s business was hit with regulatory challenges in 2014. When Corinth collapsed in May 2015, the investment group and its managers continued to sell securities and used the money to pay off other investors and fund a lavish lifestyle, until Aequitas ultimately imploded in 2017, the investors claim.

› China MediaExpress

Hagens Berman represents investors in a case against China MediaExpress, which purported to be the owner of a network of advertising terminals on buses throughout China. The case alleges that the company and its auditor (Deloitte Touche Tohmatsu) participated in accounting fraud that ultimately led to the demise of the company. In early 2014, the court entered

a default judgment in the amount of \$535 million and certified a proposed class against China Media Express Holdings Inc. The case will proceed separately against Deloitte Touche Tohmatsu.

On May 6, 2015 Hagens Berman obtained a \$12 million settlement from Deloitte Touche Tohmatsu, one of the largest settlements against an auditor in a Chinese “reverse merger” case which is now awaiting final approval from the court.

› Altisource Asset Management Corporation

The firm was appointed lead counsel in this institutional investor lawsuit brought on behalf of purchasers of Altisource Asset Management Corporation (AAMC). The complaint alleges that AAMC misrepresented or outright concealed its relationship with these companies and the extent to which the interconnected entities engaged in conflicted transactions with themselves. Estimates of class-wide damages are in the hundreds of millions of dollars. The firm recently filed the consolidated complaint and motions to dismiss are pending before the U.S. District Court for the District of the Virgin Islands.

WHISTLEBLOWERS

In an effort to curb Wall Street excesses, Congress passed the Dodd-Frank Wall Street Reform and Consumer Protection Act, which built vigorous whistleblower protections into the legislation known as the “Wall Street Tip-Off Law.” The law empowers the U.S. Securities and Exchange Commission to award between 10 and 30 percent of any monetary sanctions recovered in excess of \$1 million to whistleblowers who provide information leading to a successful SEC enforcement. It also provides similar rewards for whistleblowers reporting fraud in the commodities markets.

Hagens Berman represents whistleblowers with claims involving violations of the Securities Exchange Act and the Commodities Exchange Act. Unlike traditional whistleblower firms who have pivoted into this area, Hagens Berman has a strong background and history of success in securities, antitrust and other areas of fraud enforcement, making us an ideal partner for these cases. Our matters before the SEC/CFTC include a range of claims, including market manipulation and fraudulent financial statements.

PRACTICE AREAS

Investor Fraud - Institutional Investor Portfolio Monitoring and Recovery Services

Hagens Berman is a leading provider of specialized securities litigation services to public, private and Taft-Hartley pension funds. We offer proprietary and unparalleled asset protection and recovery services to both foreign and domestic institutions. Our institutional services provide participants with the ability to identify, investigate and react to potential wrongdoing by companies in which the institution invests.

PORTFOLIO MONITORING. Timely information and analysis are the critical ingredients of a successful fraud recovery program. Institutions must receive quick, reliable determinations concerning the source and extent of their losses, the likelihood of recoupment and the best manner for pursuing it. Our Portfolio Monitoring Service provides these services at no cost to participating institutions. The Hagens Berman Portfolio Monitoring Service has three primary components:

TRACKING. Alerts clients of any significant portfolio losses due to suspected fraud.

ANALYSIS. Provide clients with necessary legal and factual analyses regarding possible recovery options, removing from the institution any burden connected with scrutinizing myriad instances of potential wrongdoing and attempt to decipher whether direct, recoverable injuries have resulted.

REPORTING. Attorneys and forensic accounting fraud experts deliver a concise monthly report that furnishes comprehensive answers to these inquiries. On a case-by-case basis, the report specifies each of the securities in which the client lost a significant amount of money, and matches those securities with an analysis of potential fraud likelihood, litigation options and an expert recommendation on how best to proceed for maximum recovery.

Our Portfolio Monitoring Service performs its functions with almost no inconvenience to participating institutions. A client's custodian bank provides us with records detailing the client's transactions from the prior several years and on a regular basis thereafter. Importantly, none of the institution's own personnel is required to share in this task, as we acquire the information directly from the custodian bank.

We provide our Portfolio Monitoring service with no strings attached and allow our clients to act without cost or commitment. In instances where a litigation opportunity arises, we believe our skills make us the ideal choice for such a role, although the client is free to choose others.

When a portfolio loses money because of corporate deception, our litigation services seek to recover a substantial percentage of those losses, thereby increasing a fund's performance metric. As fiduciaries, money managers may not have the ability or desire to risk funds on uncertain litigation using typical hourly-rate law firms. Hagens Berman seeks to minimize the burden on the money manager by pursuing cases on a contingent-fee basis.

PRACTICE AREAS

Personal Injury and Abuse

For nearly two decades, Hagens Berman's blend of professional expertise and commitment to our clients has made our firm one of the most well-respected and successful mass tort and personal injury law firms in the nation. We deliver exceptional results for our clients by obtaining impressive verdicts and settlements in personal injury litigation.

Our attorneys have experience in wrongful death, brain injury and other catastrophic injury cases, as well as deep experience in social work negligence, medical malpractice, nursing home negligence and sexual abuse cases.

Hagens Berman also has unparalleled experience in very specific areas of abuse law, recovering damages on behalf of some of the most vulnerable people in our society.

Sexual Abuse Litigation Hagens Berman has represented a wide spectrum of individuals who have been victims of sexual abuse, including children and developmentally disabled adults. We treat each case individually, with compassion and attention to detail and have the expertise, resources and track record to stand up to the toughest opponents. In the area of sexual abuse, our attorneys have obtained record-breaking verdicts, including the largest personal injury verdict ever upheld by an appellate court in the state of Washington.

Nursing Home Negligence Nursing home negligence is a growing problem throughout the nation. As our population ages, reports of elder abuse and nursing home negligence continue to rise. Today, elder abuse is one of the most rapidly escalating social problems in our society. Hagens Berman is uniquely qualified to represent victims of elder abuse and nursing home negligence. Our attorneys have secured outstanding settlements in this area of the law and have committed to holding nursing homes accountable for wrongdoing.

Social Work Negligence Social workers play a critical role in the daily lives of our nation's most vulnerable citizens. Social workers, assigned to protect children, the developmentally disabled and elderly adults, are responsible for critical aspects of the lives of

tens of thousands of citizens who are unable to protect themselves. Many social workers do a fine job. Tragically, many do not. The results are often catastrophic when a social worker fails to monitor and protect his or her vulnerable client. All too often, the failure to protect a child or disabled citizen leads to injury or sexual victimization by predators. With more than \$40 million in recoveries on behalf of vulnerable citizens who were neglected by social workers, Hagens Berman is the most experienced, successful and knowledgeable group of attorneys in this dynamic area of the law.

Workplace Injury While many workplace injury claims are precluded by workers compensation laws, many instances of workplace injury are caused by the negligence and dangerous oversight of third parties. In these instances, victims may have valid claims. Hagens Berman's personal injury legal team has successfully brought many workplace injury claims, holding third parties liable for our clients' serious bodily injuries.

Medical Malpractice Litigating a medical malpractice case takes acute specialization and knowledge of medical treatments and medicine. Notwithstanding these facts, Hagens Berman pursues meritorious medical malpractice claims in instances where clients have suffered life-altering personal injuries. Our firm's personal injury attorneys handle medical malpractice cases with the dedication and detail necessary to make victims whole. Hagens Berman is very selective in accepting medical malpractice cases and has been successful in recovering significant compensation for victims of medical error and negligence.

PRACTICE AREAS

Sports Litigation

Hagens Berman has one of the nation's most highly regarded sports law practices. Our attorneys are the vanguard of new and innovative legal approaches to protect the rights of professional and amateur athletes in cases against large, well-financed interests, including the National Collegiate Athletic Association (NCAA), the National Football League (NFL) and the Fédération Internationale de Football Association (FIFA).

› NCAA: Concussions

Cases of particular nationwide interest for fans, athletes and the general public involve numerous cases filed by Hagens Berman against the NCAA. Recently, the firm has taken on the NCAA for its failure to prevent concussions and protect student-athletes who suffered concussions. Steve Berman serves as lead counsel in multi-district litigation as the firm finalizes a settlement that will bring sweeping changes to the NCAA's approach to concussion treatment and prevention; provide a 50-year medical-monitoring program for student-athletes to screen for and track head injuries; and establish a \$5 million fund for concussion research.

The core settlement benefits include a 50-year medical monitoring program overseen by a medical science committee appointed by the court that will screen and track concussions, funded by a \$70 million medical monitoring fund, paid by the NCAA and its insurers. Examinations include neurological and neurocognitive assessments to evaluate potential injuries.

The settlement also mandates significant changes to and enforcement of the NCAA's concussion management policies and return-to-play guidelines. All players will now receive a seasonal, baseline test to better assess concussions sustained during the season. All athletes who have sustained a concussion will now need to be cleared before returning to play. A medical professional trained in the diagnosis of concussions will be present at all games involving contact-sports. The settlement also creates reporting mandates for concussions and their treatment.

› Player Likeness Rights

Hagens Berman attorneys representing student-athletes who claimed that the NCAA illegally used student-athletes' names, images and likenesses in Electronic Arts' popular NCAA Football, Basketball and March Madness video game series reached a combined \$60 million settlement with the NCAA and EA, marking the first time the NCAA has agreed to a settlement that pays student-athletes for acts related to their participation in athletics. Settlement checks were sent to about 15,000 players, with average amounts of \$1,100 and some up to \$7,600.

The firm began this case with the knowledge that the NCAA and member schools were resolute in keeping as much control over student-athletes as possible, and fought hard to ensure that plaintiffs would not be exploited for profit, especially by the organization that vowed to prevent the athlete from exploitation.

The firm also represented NFL legend Jim Brown in litigation against EA for improperly using his likeness in its NFL video games, culminating in a \$600,000 voluntary judgment offered by the video game manufacturer.

› FIFA/U.S. Soccer: Concussions

Several current and former soccer players filed a class action against U.S. soccer's governing bodies, which led to life-changing safety measures brought to millions of U.S. youth soccer players. Players represented by Hagens Berman alleged these groups failed to adopt effective policies to evaluate and manage concussions, leaving millions of players vulnerable to long-lasting brain injury.

PRACTICE AREAS

Sports Litigation

The settlement against six of the largest youth soccer organizations completely eliminates heading for youth soccer's youngest players, greatly diminishing risks of concussions and traumatic head injuries. Prior to the settlement, no rule limited headers in children's soccer.

It also sets new benchmarks for concussion measurement and safety protocols, and highlights the importance of on-staff medical personnel at youth tournaments. Under the settlement, youth players who have sustained a concussion during practice or a game will need to follow certain return-to-play protocols before they are allowed to play again. Steve Berman, a youth soccer coach, has seen first-hand the settlement's impacts and life-changing effects every time young athletes take to the field,

› NCAA: Transfer Antitrust

Hagens Berman has also recently taken on the NCAA on behalf of several highly recruited college athletes whose scholarships were revoked after a coaching change, or after the student-athletes sought to transfer to another NCAA-member school. The suit claims that the organization's limits and Draconian transfer regulations violate federal antitrust laws.

In the firm's most recent suit against the sports-governing entity, a Division I student-athlete at Northwestern University was faced with repeated harassment from the university to transfer, in order to underhandedly free up his athletic scholarship. According to the complaint, the university resorted to falsified records of misconduct, verbal harassment and more.

The firm's case hinges on a destructive double-standard. While Non-student-athletes are free to transfer and are eligible for a new scholarship without waiting a year, and coaches often transfer to the tune of a hefty pay raise, student-athletes are penalized and forced to sit out a year before they can play elsewhere, making them much less sought after by other college athletic programs. Hagens Berman continues to fight for student-athletes' rights to be treated fairly and terminate the NCAA's anticompetitive practices and overbearing regulations that limit players' options and freedoms.

› NCAA: Scholarships/Grants-In-Aid (GIAs)

In a first-of-its-kind antitrust action and potentially far-reaching case, Hagens Berman filed a class-action affecting approximately 40,000 Division I collegiate athletes who played men's or women's basketball, or FBS football, brought against the NCAA and its most powerful members, including the Pac-12, Big Ten, Big-12, SEC and ACC, claiming these entities violated federal antitrust laws by drastically reducing the number of scholarships and financial aid student-athletes receive to an amount below the actual cost of attendance and far below what the free market would bare.

The firm continues to fight on behalf of student-athletes to level the playing field and bring fairness to college sports and players. The case resulted in a \$208.9 million settlement, bringing an estimated average amount of \$6,500 to each eligible class member who played his or her sport for four years.

In March of 2019, the firm spearheaded the trial on the injunctive aspect of the case which resulted in a change of NCAA rules limiting the financial treatment of athletes. The injunction will prohibit the NCAA from enforcing any rules that fix or limit compensation provided to college-athletes by schools or conferences in consideration for their athletic services other than cash compensation untethered to education-related expenses. According to the Court, the NCAA is "permanently restrained and enjoined from agreeing to fix or limit compensation or benefits related to education" that conferences may make available.

› Pop Warner

Hagens Berman represents youth athletes who have suffered traumatic brain injuries due to gross negligence, and filed a lawsuit on behalf of former Pop Warner football player Donovan Hill and his mother Crystal Dixon. The suit claims that the league insisted Hill use improper and dangerous tackling techniques which left the then 13-year-old paralyzed from the neck down.

Hagens Berman sought to hold Pop Warner, its affiliates, Hill's coaches and members of the Lakewood Pop Warner board of directors accountable for the coaches' repeated and incorrect instruction that Hill and his teammates tackle opposing players

PRACTICE AREAS

Sports Litigation

by leading with the head. In January of 2016, the firm reached a settlement on behalf of Donovan and his mother, the details of which were not released. Sadly, months later, 17-year-old Donovan passed away. The firm believes that his case will continue to have a lasting impact on young athletes for generations and will help ensure safety in youth sports.

> MLB Foul Ball Injuries

Hagens Berman filed a class-action lawsuit on behalf of baseball fans, seeking to extend safety netting to all major and minor league ballparks from foul pole to foul pole. The suit alleges that tens of millions attend an MLB game annually, and every year fans of all ages, but often children, suffer horrific and preventable injuries, such as blindness, skull fractures, severe concussions and brain hemorrhages when struck by a fast-moving ball or flying shrapnel from a shattered bat.

In December of 2015, MLB's commissioner Rob Manfred issued a recommendation to all 30 MLB teams to implement extended safety measures, including additional safety netting at ballparks. While the firm commends the league for finally addressing the

serious safety issue at stake, the firm continues to urge MLB and its commissioner to make these more than recommendations to help end senseless and avoidable injuries to baseball's biggest fans.

> Other Cases

In addition to its class actions, Hagens Berman has filed several individual cases to uphold the rights of athletes and ensure a fair and safe environment. The firm has filed multiple individual cases to address concussions and other traumatic head injuries among student-athletes at NCAA schools and in youth sports. Hagens Berman continues to represent the interests of athletes and find innovative and effective applications of the law to uphold players' rights.

The firm has also brought many concussions cases on behalf of individual athletes, challenging large universities and institutions for the rights those who have suffered irreversible damage due to gross negligence and lack of even the most basic concussion-management guidelines.

PRACTICE AREAS

Whistleblower Litigation

Hagens Berman represents whistleblowers under various programs at both the state and federal levels. All of these whistleblower programs reward private citizens who blow the whistle on fraud. In many cases, whistleblowers report fraud committed against the government and may sue those individuals or companies responsible, helping the government recover losses.

Our depth and reach as a leading national plaintiffs' firm with significant success in varied litigation against industry leaders in finance, health care, consumer products, and other fields causes many whistleblowers to seek us to represent them in claims alleging fraud against the government.

Our firm also has several former prosecutors and other government attorneys in its ranks and has a long history of working with governments, including close working relationships with attorneys at the U.S. Department of Justice. The whistleblower programs under which Hagens Berman pursues cases include:

FALSE CLAIMS ACT

Under the federal False Claims Act, and more than 30 similar state laws, a whistleblower reports fraud committed against the government, and under the law's *Qui Tam* provision, may file suit on its behalf to recover lost funds. False claims acts are one of the most effective tools in fighting Medicare and Medicaid fraud, defense contractor fraud, financial fraud, under-payment of royalties, fraud in general services contracts and other types of fraud perpetrated against governments.

The whistleblower initially files the case under seal, giving it only to the government and not to the defendant, which permits the government to investigate. After the investigation, the government may take over the whistleblower's suit, or it may decline. If the government declines, the whistleblower can proceed alone on his or her behalf. In successful suits, the whistleblower normally receives between 15 and 30 percent of the government's recovery as a reward.

Since 1986, federal and state false claims act recoveries have totaled more than \$22 billion. Some examples of our cases brought under the False Claims Act include:

> In U.S. ex rel. Lagow v. Bank of America

Represented former District Manager at Landsafe, Countrywide Financial's mortgage appraisal arm, who alleged systematic abuse of appraisal guidelines as a means of inflating mortgage values.

RESULT: The case was successful, ultimately triggering a settlement of \$1 billion, and our client received a substantial reward.

> In U.S. ex rel. Mackler v. Bank of America

Represented a whistleblower who alleged that Bank of America failed to satisfy material conditions of its government contract to provide homeowners mortgage relief under the HAMP program.

RESULT: The case succeeded and was settled as part of the 2012 global mortgage settlement, resulting in an award to our client.

> In U.S. ex rel. Horwitz v. Amgen

Represented Dr. Marshall S. Horwitz, who played a key role in uncovering an illegal scheme to manipulate the scientific record regarding two of Amgen's blockbuster drugs.

RESULT: \$762 million in criminal and civil penalties levied by the U.S. Department of Justice and an award to our client.

> In U.S. ex rel. Thomas v. Sound Inpatient Physicians Inc. and Robert A. Bessler

Represented a former regional vice president of operations for Sound Physicians, who blew the whistle on Sound's alleged misconduct.

RESULT: Tacoma-based Sound Physicians agreed to pay the United States government \$14.5 million.

> In U.S. ex rel. Plaintiffs v. Center for Diagnostic Imaging Inc.

In May 2010, Hagens Berman joined as lead trial counsel a qui tam lawsuit on behalf of two whistleblowers against Center for

PRACTICE AREAS

Whistleblower Litigation

Diagnostic Imaging, Inc. (CDI), alleging that CDI violated anti-kickback laws and defrauded federally funded health programs by presenting false claims for payment.

RESULT: In 2011, the government intervened in the claims, which the company settled for approximately \$1.3 million. The government declined to intervene, however, in the no-written-orders and kickback claims, leaving those claims for the whistleblowers and their counsel to pursue on their own. The non-intervened claims settled for an additional \$1.5 million payment to the government.

> Medtronic

On Feb. 19, 2008 the court unsealed a qui tam lawsuit brought by Hagens Berman against Medtronic, one of the world's largest medical technology companies, for fraudulent medical device applications to the FDA and off-label promotion of its biliary devices.

RESULT: The case settled in 2012 for an amount that remained under seal.

SECURITIES AND EXCHANGE COMMISSION / COMMODITY FUTURES TRADING COMMISSION

Since implementation of the SEC/CFTC Dodd Frank whistleblower programs in 2011, Hagens Berman has naturally transitioned into representation of whistleblowers with claims involving violations of the Securities Exchange Act and the Commodities Exchange Act.

Unlike the False Claims Act, whistleblowers with these new programs do not initially file a sealed lawsuit. Instead, they provide information directly to the SEC or the CFTC regarding violations of the federal securities or commodities laws. If the whistleblower's information leads to an enforcement action, they may be entitled to between 10 and 30 percent of the recovery.

The firm currently represents HFT whistleblower and market expert, Haim Bodek, in an SEC fraud whistleblower case that prompted the U.S. Securities and Exchange Commission to bring record-breaking fines against two exchanges formerly owned by Direct Edge Holdings (and since acquired by Bats Global

Markets, the second-largest financial exchange in the country). The exchanges agreed to pay \$14 million to settle charges that the exchanges failed to accurately and completely disclose how order types functioned on its exchanges and for selectively providing such information only to certain high-frequency trading firms.

Hagens Berman also represents an anonymous whistleblower who brought his concerns and original analysis related to the May 2, 2010 Flash Crash to the CFTC after hundreds of hours spent analyzing data and other information.

Both the U.S. Commodity Futures Trading Commission (CFTC) and the Department of Justice, in separate criminal and civil enforcement actions, brought charges of market manipulation and spoofing against Nav Sarao Futures Limited PLC (Sarao Futures) and Navinder Singh Sarao (Sarao) based on the whistleblower's information.

Hagens Berman has worked alongside government officials and regulators, establishing the credibility necessary to bring a case to the SEC or CFTC. When Hagens Berman brings a claim, we work hard to earn their respect and regulators pay attention.

A few of the firm's most recent whistleblower cases in this area include:

> EDGA Exchange Inc. and EDGX Exchange Inc.

Represented HFT whistleblower and market expert, Haim Bodek, in an SEC fraud whistleblower case against two exchanges formerly owned by Direct Edge Holdings and since acquired by Bats Global Markets, the second-largest financial exchange in the country for spoofing.

RESULT: The case prompted the U.S. Securities and Exchange Commission to bring record-breaking fine of \$14 million against defendants, the largest ever brought against a financial exchange.

PRACTICE AREAS

Whistleblower Litigation

> Nav Sarao Futures Limited PLC

Hagens Berman represents an anonymous whistleblower who brought his concerns and original analysis to the CFTC after hundreds of hours spent analyzing data and other information. The claim brought about legal action against a market manipulator who profited more than \$40 million from market fraud and contributed to the May 6, 2010 Flash Crash.

RESULT: Both the CFTC and the Department of Justice, in separate criminal and civil enforcement actions, brought charges of market manipulation and spoofing against Nav Sarao Futures Limited PLC and Navinder Singh Sarao based on the whistleblower's information. The case is still pending under seal.

INTERNAL REVENUE SERVICE

Hagens Berman also represents whistleblowers under the IRS whistleblower program enacted with the Tax Relief and Health Care Act of 2006.

The IRS program offers rewards to those who come forward with information about persons, corporations or any other entity that cheats on its taxes. In the event of a successful recovery of government funds, a whistleblower can be rewarded with up to 30 percent of the overall amount collected in taxes, penalties and legal fees.

Hagens Berman helps IRS whistleblowers present specific, credible tax fraud information to the IRS. Unlike some traditional False Claims Act firms, Hagens Berman has experience representing governments facing lost tax revenue due to fraud, making us well-positioned to prosecute these cases.

Appellate Victories

APPELLATE VICTORIES

Strengthening Consumer Law

At Hagens Berman, we distinguish ourselves not merely by the results we obtain, but by how we obtain them. Few class-action firms have our firm's combination of resources and acumen to see a case through as long as needed to obtain a favorable outcome. Our attorneys were instrumental in obtaining these federal appellate decisions that have shaped consumer law and bolstered the rights of millions nationwide:

- > *In Matter of Motors Liquidation Co.*, 829 F.3d 135 (2d Cir. 2016) (General Motors bankruptcy reorganization did not bar claims stemming from defective ignition switches)
 - > *George v. Urban Settlement Servs.*, 833 F.3d 1242 (10th Cir. 2016) (complaint adequately alleged Bank of America's mortgage modification program violated RICO)
 - > *In re Loestrin 24 Fe Antitrust Litig.*, 814 F.3d 538 (1st Cir. 2016) ("reverse payments" for antitrust purposes under **Actavis** are not limited to cash payments)
 - > *Osborn v. Visa Inc.*, 797 F.3d 1057 (D.C. Cir. 2015) (complaint adequately alleged Visa and MasterCard unlawfully agreed to restrain trade in setting ATM access fees)
 - > *Little v. Louisville Gas & Elec. Co.*, 805 F.3d 695 (6th Cir. 2015) (Clean Air Act did not preempt state nuisance claims against coal plant for polluting surrounding community)
 - > *City of Miami v. Citigroup Inc.*, 801 F.3d 1268 (11th Cir. 2015) (reversing dismissal of complaint alleging Citigroup violated Fair Housing Act by pattern of discriminatory lending)
 - > *Rajagopalan v. NoteWorld, LLC*, 718 F.3d 844 (9th Cir. 2013) (non-party could not invoke arbitration clause against plaintiff suing debt services provider)
 - > *In re Neurontin Mktg. & Sales Practices Litig.*, 712 F.3d 21 (1st Cir. 2013) (affirming \$142 million verdict for injury suffered from RICO scheme by Neurontin manufacturer Pfizer)
 - > *In re NCAA Student-Athlete Name & Likeness Licensing Litig.*, 724 F.3d 1268 (9th Cir. 2013) (First Amendment did not shield video game developer's use of college athletes' likenesses)
 - > *Garcia v. Wachovia Corp.*, 699 F.3d 1273 (11th Cir. 2012) (Wells Fargo could not rely on **Concepcion** to evade waiver of any right to compel arbitration)
 - > *Agnew v. Nat'l Collegiate Athletic Ass'n*, 683 F.3d 328 (7th Cir. 2012) (NCAA bylaws limiting scholarships per team and prohibiting multi-year scholarships are subject to antitrust scrutiny and do not receive pro-competitive justification at pleading stage)
 - > *In re Lupron Mktg. & Sales Practices Litig.*, 677 F.3d 21, 24 (1st Cir. 2012) (approving cy pres provision in \$150 million settlement)
 - > *In re Pharm. Indus. Average Wholesale Price Litig.*, 582 F.3d 156 (1st Cir. 2009) (AstraZeneca illegally published inflated average wholesale drug prices, thereby giving windfall to physicians and injuring patients who paid inflated prices)
- We set ourselves apart not only by getting results but by litigating every case through to finish – to trial and appeal, if necessary. This tenacious drive has led our firm to generate groundbreaking precedents in consumer law.
- Hagens Berman has also been active in state courts nationwide. Notable examples of our victories include:
- > *Garza v. Gama*, 379 P.3d 1004 (Ariz. Ct. App. 2016) (reinstating certified class in wage-and-hour action prosecuted by Hagens Berman since 2005)
 - > *In re Farm Raised Salmon Cases*, 42 Cal. 4th 1077 (Cal. 2008) (Federal Food, Drug and Cosmetic Act did not preempt state claims for deceptive marketing of food products)
 - > *Pickett v. Holland Am. Line-Westours, Inc.*, 35 P.3d 351 (Wash. 2001) (reversing state court of appeals and upholding class action settlement with cruise line)

Legal Team



MANAGING PARTNER

Steve W. Berman

Served as co-lead counsel against Big Tobacco, resulting in the largest settlement in world history, and at the time the largest automotive, antitrust, ERISA and securities settlements in U.S. history.

CONTACT

1301 Second Avenue
Suite 2000
Seattle, WA 98101

(206) 623-7292 office
(206) 623-0594 fax
steve@hbsslaw.com

YEARS OF EXPERIENCE

> 39

PRACTICE AREAS

- > Antitrust/Trade Law
- > Consumer Protection
- > Governmental Representation
- > Securities/Investment Fraud
- > Whistleblower/**Qui Tam**
- > Patent Litigation

BAR ADMISSIONS

- > Washington
- > Illinois

COURT ADMISSIONS

- > Supreme Court of the United States
- > Supreme Court of Illinois
- > Supreme Court of Washington
- > U.S. District Court for the Eastern and Western Districts of Washington
- > U.S. District Court for the Northern and Central Districts of Illinois
- > U.S. District Court for the District of Colorado
- > U.S. District Court for the Eastern District of Michigan
- > First Circuit Court of Appeals
- > Second Circuit Court of Appeals

Steve Berman represents consumers, investors and employees in large, complex litigation held in state and federal courts. Steve's trial experience has earned him significant recognition and led The National Law Journal to name him one of the 100 most powerful lawyers in the nation, and to repeatedly name Hagens Berman one of the top 10 plaintiffs' firms in the country. Steve was named an MVP of the Year by Law360 in 2016 and 2017 for his class-action litigation and received the 2017 Plaintiffs' Trailblazer award. He was recognized for the third year in a row as an Elite Trial Lawyer by The National Law Journal.

Steve co-founded Hagens Berman in 1993 after his prior firm refused to represent several young children who consumed fast food contaminated with E. coli—Steve knew he had to help. In that case, Steve proved that the poisoning was the result of Jack in the Box's cost cutting measures along with gross negligence. He was further inspired to build a firm that vociferously fought for the rights of those unable to fight for themselves. Berman's innovative approach, tenacious conviction and impeccable track record have earned him an excellent reputation and numerous historic legal victories. He is considered one of the nation's most successful class-action attorneys, and has been praised for securing record-breaking settlements and tangible benefits for class members. Steve is particularly known for his tenacity in forging consumer settlements that return a high percentage of recovery to class members.

CURRENT ROLE

- > Managing Partner, Hagens Berman Sobol Shapiro LLP

RECENT CASES

> Emissions Litigation

Steve has pioneered pursuing car manufacturers who have been violating emissions standards, including: Mercedes BlueTEC vehicles, GM Chevy Cruze, Dodge Ram 2500 and 3500 trucks, Dodge Ram 1500 and Jeep Cherokee EcoDiesel vehicles, Chevy Silverado, GMC Sierra as well as other models made by Ford, Audi and BMW. Steve and the firm's unmatched work in emissions-cheating investigations is often ahead of the EPA and government regulators.

> General Motors Ignition Switch Defect Litigation

Steve serves as lead counsel seeking to obtain compensation for the millions of GM car owners who overpaid for cars that had hidden safety defects.

> Climate Change – New York City, King County, Wash.

Steve has always been a fighter for the rights of the environment. In 2017, he began the firm's latest endeavor to combat global climate change through novel applications of the law. Steve currently represents the city of New York and Washington state's King County in lawsuits filed against the world's largest producers of oil: BP, Chevron Corp., Exxon Mobil Corp., Royal Dutch Shell PLC and

- › Third Circuit Court of Appeals
- › Fifth Circuit Court of Appeals
- › Sixth Circuit Court of Appeals
- › Seventh Circuit Court of Appeals
- › Eighth Circuit Court of Appeals
- › Ninth Circuit Court of Appeals
- › Tenth Circuit Court of Appeals
- › Eleventh Circuit Court of Appeals
- › DC Circuit Court of Appeals
- › Federal Circuit Court of Appeals
- › U.S. Court of Federal Claims

EDUCATION

- › University of Chicago Law School, J.D., 1980
- › University of Michigan, B.A., 1976

MANAGING PARTNER

Steve W. Berman

ConocoPhillips. The cases seek to hold the Big Oil titans accountable for their brazen impact on global warming-induced sea level rise and related expenses to protect the cities and their millions of residents.

› *Opioids* - Orange and Santa Clara County, Seattle

Steve has always been a fighter for the rights of the environment. In 2017, he began the firm's latest endeavor to combat global climate change through novel applications of the law. Steve currently represents the city of New York and Washington state's King County in multiple lawsuits filed against the world's largest producers of oil: BP, Chevron Corp., Exxon Mobil Corp., Royal Dutch Shell PLC and ConocoPhillips. The cases seek to hold the Big Oil titans accountable for their brazen impact on global warming-induced sea level rise and related expenses to protect the cities and their millions of residents.

› *Antitrust Litigation*

Corporate fraud has many faces, and Steve has taken on some of the largest perpetrators through antitrust law. Steve serves as co-lead counsel in Visa MasterCard ATM, Batteries, Optical Disc Drives and is in the leadership of a class-action lawsuit against Qualcomm for orchestrating a monopoly that led to purchasers paying significantly more for mobile devices. He serves as interim class counsel in a case against chicken producers for conspiring to stabilize prices by reducing chicken production. Most recently, Steve filed a proposed class-action lawsuit against the world's largest manufacturers of Dynamic Random Access Memory for cornering the market and driving up DRAM.

› *Consumer Protection*

Steve is a leader in protecting millions of consumers in large-scale cases that challenge unfair, deceptive and fraudulent practices. He leads a class action on behalf of owners of Ford vehicles equipped with MyFord Touch, an in-car entertainment system, who claim the system is flawed, putting drivers at risk of an accident while causing economic hardship. Steve recently filed a class-action lawsuit against Facebook for allowing personal data to be harvested for psychographic profiling.

RECENT SUCCESS

› *Volkswagen Franchise Dealerships* - \$1.6 billion

Lead counsel for VW franchise dealers suit, in which a settlement of \$1.6 billion has received final approval, and represents a substantial recovery for the class.

› *Stericycle Sterisafe Contract Litigation* - \$295 million

Hagens Berman's team, led by Steve Berman, filed a class-action lawsuit against Stericycle, a massive medical waste disposal company and achieved a sizable settlement for hundreds of thousands of its small business customers.

› *NCAA Grant-in-Aid Scholarships* - \$208 million

Served as co-lead counsel in the Alston case that successfully challenged the NCAA's limitations on the benefits student-athletes can receive as part of a scholarship, culminating in a \$208 million settlement. The recovery amounts to 100 percent of single damages in an exceptional result in an antitrust case. Steve will co-lead a trial this year on the injunctive aspect of the case that could result in a change of NCAA rules limiting the financial treatment of athletes. The trial may change the landscape for how NCAA football and basketball players are compensated.

› *Dairy Price-Fixing* - \$52 million

This antitrust suit's filing unearthed a massive collusion between the biggest dairy producers in the

MANAGING PARTNER

Steve W. Berman

country, responsible for almost 70 percent of the nation's milk. Not only was the price of milk artificially inflated, but this scheme ultimately also cost 500,000 young cows their lives.

CAREER HIGHLIGHTS

› ***State Tobacco Litigation*** - \$206 billion

Special assistant attorney general for the states of Washington, Arizona, Illinois, Indiana, New York, Alaska, Idaho, Ohio, Oregon, Nevada, Montana, Vermont and Rhode Island in prosecuting major actions against the tobacco industry. In November 1998, the initial proposed settlement led to a multi-state settlement requiring the tobacco companies to pay the states \$206 billion and to submit to broad advertising and marketing restrictions – the largest civil settlement in history.

› ***Visa MasterCard ATM Antitrust Litigation*** - \$27 billion

Co-lead counsel in what was then the largest antitrust settlement in history: a class-action lawsuit alleging that Visa and MasterCard, together with Bank of America, JP Morgan Chase and Wells Fargo, violated federal antitrust laws by establishing uniform agreements with U.S. banks, preventing ATM operators from setting ATM access fees below the level of the fees charged on Visa's and MasterCard's networks.

› ***Toyota Sudden, Unintended Acceleration*** - \$1.6 billion

Hagens Berman was co-lead counsel in this massive MDL alleging that Toyota vehicles contained a defect causing sudden, unintended acceleration (SUA). It was the largest automotive settlement in history at the time, valued at up to \$1.6 billion. The firm did not initially seek to lead the litigation, but was sought out by the judge for its wealth of experience in managing very complex class-action MDLs. Hagens Berman and managing partner Steve Berman agreed to take on the role of co-lead counsel for the economic loss class and head the plaintiffs' steering committee.

› ***Washington Public Power Supply System (WPPSS)*** - \$700 million settlement

Represented bondholders and the bondholder trustee in a class-action lawsuit stemming from the failure of two WPPSS nuclear projects. The case was one of the most complex and lengthy securities fraud cases ever filed. The default was one of the largest municipal bond defaults in history. After years of litigation, plaintiffs were awarded a \$700 million settlement agreement brought against more than 200 defendants.

› ***E-books Antitrust Litigation*** - \$560 million settlement

Fought against Apple and five of the nation's top publishers for colluding to raise the price of e-books, resulting in recovery equal to twice consumers' actual damages. The firm recovered an initial settlement of more than \$160 million with defendant publishing companies in conjunction with several states attorneys general. Steve then led the firm to pursue Apple for its involvement in the e-book price hike. Apple took the case to the Supreme Court, where it was ruled that Apple had conspired to raise prices, and the firm achieved an additional \$450 million settlement for consumers.

› ***Enron Pension Protection Litigation*** - \$250 million settlement

Led the class-action litigation on behalf of Enron employees and retirees alleging that Enron leadership, including CEO Ken Lay, had a responsibility to protect the interests of those invested in the 401(k) program, an obligation they abrogated. The court selected Steve to co-lead the case against Enron and the other defendants.

› ***Charles Schwab Securities Litigation*** - \$235 million settlement

Led the firm to file the first class-action lawsuit against Charles Schwab on Mar. 18, 2008, alleging that

MANAGING PARTNER

Steve W. Berman

Schwab deceived investors about the underlying risk in its Schwab YieldPlus Funds Investor Shares and Schwab YieldPlus Funds Select Shares.

- › ***JP Morgan Madoff Lawsuit*** - \$218 million settlement
Represented Bernard L. Madoff investors in a suit filed against JPMorgan Chase Bank, one of the largest banks in the world.
- › ***Boeing Securities Litigation*** - \$92.5 million settlement
Represented a class of tens of thousands of shareholders against Boeing, culminating in a proposed settlement that was the second-largest awarded in the Northwest.
- › ***NCAA Concussions*** - \$75 million settlement, and 50-year medical monitoring fund
Led the firm's pioneering NCAA concussions suit that culminated in a proposed settlement that will provide a 50-year medical-monitoring program for student-athletes to screen for and track head injuries; make sweeping changes to the NCAA's approach to concussion treatment and prevention; and establish a \$5 million fund for concussion research, preliminarily approved by the court.
- › ***US Youth Soccer Settlement***
Revolutionary settlement that changed U.S. Soccer regulations and bought sweeping safety measures to the game. Steve spearheaded a lawsuit against soccer-governing bodies, achieving a settlement that ended heading of the ball for U.S. Soccer's youngest players and greatly diminished risk of concussions and traumatic brain injuries. Additionally, the settlement highlights the importance of on-staff medical personnel at youth tournaments, as well as ongoing concussion education for coaches.

RECOGNITION

- › 2018, 2020 Titan of the Plaintiffs Bar, Law360
- › 2016-2019 Class Action MVP of the Year, Law360
- › 2018-2019 Honoree for Outstanding Antitrust Litigation Achievement in Private Law Practice, American Antitrust Institute
- › 2014-2016, 2018-2019 Elite Trial Lawyers, The National Law Journal
- › 2003-2019 Washington Super Lawyers
- › 2014-2019 Lawdragon 500 Leading Lawyers in America
- › 2018, 2016 Practice Group of the Year (Automotive), Law360
- › 2018 State Executive Committee member, The National Trial Lawyers
- › 2018 Top Attorney of the Year, International Association of Top Professionals
- › 2017 Plaintiffs' Trailblazer, The National Law Journal
- › 2017 Class Actions (Plaintiff) Law Firm of the Year in California, Global Law Experts
- › 2014 Finalist for Trial Lawyer of the Year, Public Justice
- › 2013 One of the 100 most influential attorneys in America, The National Law Journal
- › 2000 Most powerful lawyer in the state of Washington, The National Law Journal
- › One of the top 10 plaintiffs' firms in the country, The National Law Journal

OTHER NOTABLE CASES

- › ***VW Emissions Litigation*** - \$14.7 billion settlement
Steve served as a member of the Plaintiffs Steering Committee representing owners of Volkswagen CleanDiesel vehicles that were installed with emissions-cheating software.
- › ***McKesson Drug Class Litigation*** - \$350 million settlement

MANAGING PARTNER

Steve W. Berman

Lead counsel in an action that led to a rollback of benchmark prices of hundreds of brand name drugs, and relief for third-party payers and insurers. His discovery of the McKesson scheme led to follow up lawsuits by governmental entities and recovery in total of over \$600 million.

› ***Average Wholesale Price Litigation - \$338 million settlement***

Steve served as lead trial counsel, securing trial verdicts against three drug companies that paved the way for settlement.

› ***DRAM Memory Antitrust - \$345 million settlement***

Forged a class-action suit against leading DRAM (Dynamic Random Access Memory) manufacturers, claiming the companies secretly agreed to reduce the supply of DRAM in order to artificially raise prices.

› ***Hyundai / Kia Fuel Efficiency - \$210 million settlement***

Led the firm's aggressive fight as court-appointed co-lead counsel against Hyundai and Kia on behalf of defrauded consumers who alleged the automakers had misrepresented fuel economies in vehicles, securing what was believed to then be the second-largest automotive settlement in history.

› ***Bextra/Celebrex Marketing and Products Liability Litigation - \$89 million settlement***

Served as court-appointed member of the Plaintiffs Steering Committee and represented nationwide consumers and third party payers who paid for Celebrex and Bextra. The firm was praised by the court for its "unstinting" efforts on behalf of the class.

› ***McKesson Governmental Entity Class Litigation - \$82 million settlement***

Steve was lead counsel for a nationwide class of local governments that resulted in a settlement for drug price-fixing claims.

› ***NCAA/Electronic Arts Name and Likeness - \$60 million settlement***

Represented current and former student-athletes against the NCAA and Electronic Arts concerning illegal use of college football and basketball players' names and likenesses in video games without permission or consent from the players.

› ***State and Governmental Drug Litigation***

Steve served as outside counsel for the state of New York for its Vioxx claims, several states for AWP claims and several states for claims against McKesson. In each representation, Steve recovered far more than the states in the NAAG multi-state settlements.

› ***Exxon Mobile Oil Spill***

Steve represented clients against Exxon Mobil affected by the 10 million gallons of oil spilled off the coast of Alaska by the Exxon Valdez (multimillion-dollar award).

› ***Lumber Liquidators Flooring***

Steve was court-appointed co-lead counsel in litigation against Lumber Liquidators representing consumers who unknowingly purchased flooring tainted with toxic levels of cancer-causing formaldehyde. The consumer settlement was confidential.

PRESENTATIONS

- › Steve is a frequent public speaker and has been a guest lecturer at Stanford University, University of Washington, University of Michigan and Seattle University Law School.

PERSONAL INSIGHT

Steve was a high school and college soccer player and coach. Now that his daughter's soccer skills exceed his, he is relegated to being a certified soccer referee and spends weekends being yelled at by parents, players and coaches. Steve is also an avid cyclist and is heavily involved in working with young riders on the international Hagens Berman Axeon cycling team.



PARTNER, EXECUTIVE COMMITTEE MEMBER

Thomas M. Sobol

*Voted Massachusetts Ten Leading Litigators
—The National Law Journal*

CONTACT

55 Cambridge Parkway
Suite 301
Cambridge, MA 02142

(617) 475-1950 office
(617) 482-3003 fax
tom@hbsslaw.com

YEARS OF EXPERIENCE

> 36

PRACTICE AREAS

- > Pharmaceutical Fraud
- > Consumer Protection
- > Antitrust Litigation

BAR ADMISSIONS

- > Massachusetts
- > Rhode Island

COURT ADMISSIONS

- > First Circuit Court of Appeals
- > Second Circuit Court of Appeals
- > Supreme Court of the United States

EDUCATION

- > Boston University School of Law, J.D., *cum laude*, 1983
- > Clark University, B.A., *summa cum laude*, Phi Beta Kappa, 1980

CURRENT ROLE

- > Partner & Executive Committee Member, Hagens Berman Sobol Shapiro LLP
- > Leads Hagens Berman's Boston office
- > Leader in drug pricing litigation efforts against numerous pharmaceutical and medical device companies
- > Lead negotiator in court-approved settlements totaling more than \$2 billion
- > Currently court-appointed co-lead counsel in *Meijer Inc. v. Ranbaxy Inc.* and court-appointed lead counsel for *In re Restasis Antitrust Litigation*, *In re Zetia (Ezetimibe) Antitrust Litigation*, *In re Intuniv Antitrust Litigation*, *In re Niaspan Antitrust Litigation*, *In re Loestrin 24 Fe Antitrust Litigation*, *In re Suboxone Antitrust Litigation*, *In re Lipitor Antitrust Litigation*, and *In re Effexor Antitrust Litigation*
- > Appointed lead counsel in MDL No. 2149: *In re New England Compounding Pharmacy Litigation Multidistrict Litigation*, representing more than 700 victims who contracted fungal meningitis or other serious health problems as a result of receiving contaminated products produced by NECC, resulting in a \$200 million settlement
- > Lead counsel to the Prescription Access Litigation (PAL) project, the largest coalition of health care advocacy groups that fight illegal, loophole-based overpricing by pharmaceutical companies

RECENT SUCCESS

- > *Lidoderm direct purchaser litigation settlement* (\$166 million)
- > *Solodyn direct purchaser litigation settlement* (\$72.5 million)
- > *Celebrex direct purchaser litigation settlement* (\$94 million)
- > *Aggrenox direct purchaser litigation settlement* (\$146 million)
- > *Asacol direct purchaser litigation settlement* (\$15 million)
- > *Neurontin class action marketing settlement* (\$325 million)
- > *NECC meningitis outbreak settlement* (\$200 million)
- > *Prograf direct purchaser litigation settlement* (\$98 million)
- > *Flonase direct purchaser litigation settlement* (\$150 million)
- > *Wellbutrin XL direct purchaser litigation* (\$37.5 million)
- > *First Databank litigation* (4% price reduction of most retail drugs)
- > *McKesson litigation* (\$350 million)
- > *Zyprexa litigation on behalf of the State of Connecticut* (\$25 million)
- > *Vioxx third party payor litigation* (\$80 million)
- > *Paxil direct purchaser litigation* (\$150 million)
- > *Co-lead trial counsel in the Neurontin MDL* (\$142 million RICO jury verdict)

RECOGNITION

- > Massachusetts Ten Leading Litigators, *The National Law Journal*
- > Massachusetts Super Lawyer 2008-2019

PARTNER, EXECUTIVE COMMITTEE MEMBER

Thomas M. Sobol

EXPERIENCE

- › Seventeen years in large Boston firm handling large complex civil litigation
- › Special Assistant Attorney General for the Commonwealth of Massachusetts and the states of New Hampshire and Rhode Island
- › Private counsel for Massachusetts and New Hampshire in ground breaking litigation against tobacco industry (Significant injunctive relief and recovery of more than \$10 billion)
- › Judicial clerk for Chief Justice Allan M. Hale, Massachusetts Appeals Court, 1983-1984
- › Board Chairman, New England Shelter for Homeless Veterans, 1995-2002

NOTABLE CASES

› **\$166 Million Recovery in Lidoderm Antitrust Action**

In September 2018, the Honorable William Orrick of the Northern District of California granted final approval to a \$166 million class settlement for direct purchasers of brand and generic Lidoderm. HBSS served as co-lead class counsel challenging a reverse payment agreement between Endo Pharmaceuticals and Actavis that delayed generic competition for Lidoderm for more than one year.

In re Lidoderm Antitrust Litigation, N.D. Ca., MDL No. 2521

› **\$72.5 Million Recovery in Solodyn Antitrust Action**

In July 2018, the Honorable Denise J. Casper of the District of Massachusetts granted final approval to a \$72.5 million class settlement for direct purchasers of brand and generic Solodyn. HBSS was co-lead class counsel in this case alleging Medicis entered into a series of reverse payment deals to delay entry of generic Solodyn and used the period of delay to effectuate a product hop, all resulting in overcharges by direct purchasers. The case settled three days before trial.

In re Solodyn Antitrust Litigation, D. Mass., MDL No. 2503

› **\$94 Million Recovery in Celebrex Antitrust Litigation**

In April 2018, the Honorable Arenda Wright Allen of the Eastern District of Virginia granted final approval to a \$94 million class settlement for direct purchasers of brand and generic Celebrex. HBSS was sole lead counsel in this case that alleged Pfizer obtained reissuance of a patent that provided an additional eighteen months of patent protection for Celebrex by making misrepresentations and omissions to the Patent and Trademark Office; Pfizer then asserted that bogus patent to delay generics from coming to market, in violation of federal antitrust law. The case settled mere weeks before trial.

American Sales Co. LLC v. Pfizer, Inc., E.D. Va. (Norfolk Division) 14-cv-00361

› **\$146 Million Recovery in Aggrenox Antitrust Litigation**

In December 2017, the Honorable Stefan Underhill of the District of Connecticut granted final approval to a \$146 million class settlement for direct purchasers of brand and generic Aggrenox. HBSS served on the three-member Executive Committee on behalf of the direct purchaser class in this case alleging that brand manufacturer entered into an unlawful reverse-payment agreement with generic manufacturer Teva in order to delay market availability of generic formulations of Aggrenox.

In re Aggrenox Antitrust Litigation, D. Conn., MDL No. 2516

PARTNER, EXECUTIVE COMMITTEE MEMBER

Thomas M. Sobol

➤ **\$15 Million Settlement of Antitrust Action Involving Asacol**

In December 2017, the Honorable Denise Casper of the District of Massachusetts granted final approval to a \$15 million settlement on behalf of direct purchasers of Asacol. HBSS served as one member of an Executive Committee in this product hopping case against brand manufacturer Allergan plc and its predecessor Warner Chilcott alleging Warner Chilcott made minor, immaterial changes to its Asacol formulation, e.g., changing the dosage amount from 400mg to 800mg, and later changing the dosage form from tablet to capsule, for the sole purpose of preventing generic manufacturers from obtaining FDA approval for a generic product that could be automatically substituted for Asacol.

In re Asacol Antitrust Litigation, D. Mass. 15-cv-12730

➤ **\$189 Million Bankruptcy Resolution for contaminated MPA made by New England Compounding Company**

In May 2015, the Honorable Henry J. Boroff of the United States Bankruptcy Court for the District of Massachusetts confirmed a Chapter 11 plan for NECC that included tort settlements totaling more than \$189 million in contributions from NECC's owners, affiliate companies, vendors, and their insurers, as well as several independent clinics, hospitals, doctor's offices, and their respective insurers for having administered the contaminated injections compounded by NECC. HBSS served as court-appointed lead counsel in the MDL.

In re New England Compounding Pharmacy, Inc., D. Mass., MDL No. 2419.; In re New England Compounding Pharmacy, Inc. (Chapter 11), Bankr. D. Mass., 12-br-19882-HJB

➤ **\$350 Million for Consumers and Third Party Payers in RICO Action Against McKesson**

In August 2009, the Honorable Patti B. Saris of the District of Massachusetts approved a \$350 million nationwide settlement with McKesson Corporation on behalf of consumers and health plans for McKesson's role in misreporting the average wholesale price of prescription drugs. HBSS served as lead class counsel.

New England Carpenters Health Benefits Fund et al v. First DataBank, Inc. and McKesson Corp., D. Mass., Civil Action No. 05-cv-11148-PBS

➤ **\$142 Million Civil RICO Jury Verdict in Massachusetts Over Neurontin**

On Mar. 25, 2010, following a four-and-a-half week trial and two days of deliberations, a jury in the U.S. District Court for Massachusetts returned a \$142 million RICO verdict against Pfizer, Warner Lambert and Parke Davis in a suit related to Pfizer's fraudulent and unlawful promotion of the drug Neurontin. The jury also found, in an advisory capacity, that defendants violated the California Unfair Competition Law. HBSS served as co-lead trial counsel for plaintiffs Kaiser Foundation Health Plans and Kaiser Foundation Hospitals. HBSS attorneys played a pivotal role in preparing the case for trial. Thomas Sobol, managing partner of the HBSS Boston office, examined seven economic and scientific experts and presented the evidence of Defendants' decade-long campaign of fraudulent and deceptive actions in his closing argument that resulted in the RICO verdict. Post-trial briefing is underway and a final judgment has not yet been entered.

Kaiser Foundation Health Plan, et al v. Pfizer, Inc., et al, D.Mass., Civil Action No. 04-cv-10739 (PBS).

➤ **\$150 Million Resolution on Behalf of Direct Purchasers of Paxil**

HBSS announced a \$150 million resolution of claims in 2004 in litigation on behalf of direct purchasers of the "blockbuster" selective serotonin reuptake inhibitor Paxil, manufactured by GlaxoSmithKline Corporation. The suit alleged that GSK engaged in sham litigation with respect to certain patents, all

PARTNER, EXECUTIVE COMMITTEE MEMBER

Thomas M. Sobol

in an effort to delay competition from the entry of a generic form of the drug. HBSS served as court-appointed Co-Lead Counsel.

In re Paxil Direct Purchaser Litigation, E.D.Pa., Civil Action No. 03-4578.

➤ **The Major First Databank Price Rollback**

On September 4, 2009, the First Circuit Court of Appeals affirmed a settlement between plaintiff health benefit plans and consumers in a class action against defendants First DataBank, Inc. ("FDB") and Medi-Span, two leading drug pricing publishers, that resulted in a rollback of benchmark prices of some of the most common prescription medications and is saving consumers and other purchasers hundreds of millions of dollars. The settlement stems from a 2005 class action lawsuit brought on behalf of health benefit plans and consumers against FDB and McKesson Corporation, a large pharmaceutical wholesaler. Plaintiffs claimed that beginning in 2001, FDB and McKesson secretly agreed to raise the markup between the Wholesale Acquisition Cost ("WAC") and the Average Wholesale Price ("AWP") from 20 to 25 percent for more than 400 drugs, resulting in higher profits for retail pharmacies at the expense of consumers and payers. HBSS served as court appointed lead class counsel.

On June 6, 2007, the Honorable Patti B. Saris preliminarily approved a settlement between the parties whereby FDB agreed to roll back pricing by five basis points, from 1.25 to 1.20, on the drugs included in the lawsuit as well as hundreds of other drugs, which should create cost-savings on a much broader range of prescription medications. Associations representing pharmacies and pharmacy benefit managers fought the proposed rollback before federal trial and appellate courts, claiming either that small pharmacies would be put out of business through implementation of the rollback or that the savings to health plans and consumers would not be enough to justify the settlement. The courts rejected these claims and the First Circuit Court of Appeals affirmed the settlement.

New England Carpenters Health Benefits Fund et al v. First DataBank, Inc. and McKesson Corp., D.Mass., Civil Action No. 05-cv-11148-PBS; *District Council 37 Health and Security Plan et al v. Medi-Span*, D.Mass., Civil Action No. 07-cv-10988-PBS.

➤ **\$25 Million for the State of Connecticut for Zyprexa Fraud**

On Oct. 5, 2009, Judge Jack B. Weinstein, U.S. District Court Judge in the Eastern District of New York, entered an Order for Entry of Final Judgment in *State of Connecticut v. Eli Lilly and Co.*, approving the \$25 million settlement reached by the parties to conclude the state's Zyprexa litigation. HBSS served as outside counsel to Attorney General Richard Blumenthal in the litigation that alleged Lilly engaged in unlawful off-label promotion of the atypical antipsychotic Zyprexa and made significant misrepresentations about Zyprexa's safety and efficacy, resulting in millions of dollars in excess pharmaceutical costs borne by the state and its taxpayers.

State of Connecticut v. Eli Lilly & Co., E.D.N.Y., Civil Action No. 08-cv-955-JBW.

➤ **\$150 Million Settlement for Consumers and TPPs for Purchases of Lupron**

In late 2004, HBSS announced a proposed resolution on behalf of consumers and third-party payors of Lupron in the amount of \$150 million. The litigation alleged widespread fraudulent marketing and sales practices against TAP Pharmaceuticals, a joint venture between Abbott Laboratories and Takeda Pharmaceuticals, Inc., and followed TAP's agreement to pay \$875 million in combined criminal and civil penalties regarding marketing and sales practices for the prostate cancer drug Lupron. HBSS served as court-appointed Co-Lead and Liaison Counsel.

In re Lupron Marketing and Sales Practices Litigation, D.Mass., MDL No. 1430.



PARTNER, EXECUTIVE COMMITTEE MEMBER

Anthony D. Shapiro

Mr. Shapiro has handled hundreds of personal injury matters securing results in excess of \$1 million for his clients numerous times.

CONTACT

1301 Second Avenue
Suite 2000
Seattle, WA 98101

(206) 268-9352 office
(206) 623-0594 fax
tony@hbsslaw.com

YEARS OF EXPERIENCE

> 37

PRACTICE AREAS

> Antitrust Litigation
> Personal Injury Litigation

BAR ADMISSIONS

> Washington State Bar

EDUCATION

> Georgetown University Law
Center, J.D., 1982
> Colgate University, B.A.,
History, 1979

CURRENT ROLE

- > Partner & Executive Committee Member, Hagens Berman Sobol Shapiro LLP
- > Leads Personal Injury Group including wrongful death, brain injury and catastrophic personal injury matters resulting from construction site, workplace, automobile accidents, product liability and nursing home negligence
- > Prominent role in many of the firm's notable antitrust class actions

RECENT SUCCESS

- > Lead counsel in *In re DRAM Antitrust Litigation* (more than \$400 million)
- > Plaintiffs' executive committee in a number of prominent antitrust class actions including *In re LCD Antitrust Litigation* (\$500 million), and *Polyether Polyols Antitrust Litigation* (\$1.2 billion verdict after trebling)

RECOGNITION

- > Earned AV rating by Martindale-Hubbell, the highest rating a lawyer can obtain, indicating a very high to preeminent legal ability and exceptional ethical standards as established by confidential opinions from members of the Bar
- > Washington Super Lawyer, 2003-06, 2008-19

EXPERIENCE

- > King County, Washington Prosecuting Attorney's Office, where he represented the state in more than 50 serious felony jury trials, including some of the state's most high-profile cases
- > Founding Partner, Rohan Goldfarb & Shapiro
- > Schweppe Krug & Tausend

LEGAL ACTIVITIES

- > Instructor, National Institute of Trial Advocacy
- > Adjunct Professor, University of Washington Law School

NOTABLE CASES

- > *Mantria Class Action*
- > *Air Cargo Antitrust Litigation*
- > *Baby Food Antitrust Litigation*
- > *Brand Name Prescription Drug Antitrust Litigation*
- > *Bromine Antitrust Litigation*
- > *Carbon Dioxide Antitrust Litigation*
- > *Carpet Antitrust Litigation*

PARTNER, EXECUTIVE COMMITTEE MEMBER

Anthony D. Shapiro

- › *Commercial Tissue Products Antitrust Litigation*
- › *Compressors Antitrust Litigation*
- › *Concrete Antitrust Litigation*
- › *Containerboard Antitrust Litigation*
- › *CRT Antitrust Litigation*
- › *DRAM Antitrust Litigation*
- › *Exxon Valdez Oil Spill Litigation*
- › *Fasteners Antitrust Litigation*
- › *Flat Glass Antitrust Litigation*
- › *Forced Place Insurance – Wind Antitrust Litigation*
- › *High Fructose Corn Syrup Antitrust Litigation*
- › *Infant Formula Antitrust Litigation*
- › *Lease Oil Antitrust Litigation*
- › *Linerboard Antitrust Litigation*
- › *LCD Antitrust Litigation*
- › *Magazine Paper Antitrust Litigation*
- › *Medical X-Ray Film Antitrust Litigation*
- › *OSB Antitrust Litigation*
- › *Polyurethane Antitrust Litigation*
- › *Scouring Pads Antitrust Litigation*
- › *SRAM Antitrust Litigation*
- › *Steel Antitrust Litigation*
- › *Toilet Nut Product Defect Litigation*
- › *Wire Harness Antitrust Litigation*



PARTNER, EXECUTIVE COMMITTEE MEMBER

Robert B. Carey

Rob added to HB's office a built-in mock courtroom, complete with jury box, audio-visual equipment to record witnesses and lawyers, and separate deliberation rooms for two juries. [Download photo »](#)

CONTACT

11 West Jefferson St.
Suite 1000
Phoenix, AZ 85003

(602) 840-5900 office
(602) 840-3012 fax
rob@hbsslaw.com

YEARS OF EXPERIENCE

> 32

PRACTICE AREAS

- > Personal Injury Litigation
- > Insurance Bad Faith
- > Breach of Contract Claims

BAR ADMISSIONS

- > Arizona
- > Colorado

COURT ADMISSIONS

- > U.S. Supreme Court
- > United States Court of Appeals for the Federal Circuit
- > U.S. Court of Appeals, Fifth Circuit
- > U.S. Court of Appeals, Seventh Circuit
- > U.S. Court of Appeals, Ninth Circuit
- > U.S. Court of Appeals, Tenth Circuit
- > Various federal district courts

EDUCATION

- > University of Denver, M.B.A., J.D., 1986
- > Arizona State University, B.S., 1983
- > Harvard University, John F. Kennedy School of Government, State & Local Government Program, 1992

Mr. Carey handles various types of injury and consumer claims. Mr. Carey was lead counsel on a jury trial that produced the largest medical-malpractice verdict in 2018, secured class certification in class actions on behalf of consumers and workers where damages are almost \$2 billion, and investigated the dialysis industry's role in deaths caused by central venous catheter infections and misuse of dialysis solutions.

CURRENT ROLE

- > Partner & Executive Committee Member, Hagens Berman Sobol Shapiro LLP
- > Leads Hagens Berman's Phoenix office
- > Practice focuses on class-action lawsuits, including auto defect, insurance, right of publicity and fraud cases. Mr. Carey's work also extends to bad-faith insurance, personal injury and medical malpractice, with several trials involving verdicts in the hundreds of millions.
 - Frequently asked to handle jury trials for high-value cases

RECENT SUCCESS

- > In June 2018, a Denver jury awarded a monumental \$383.5 million jury verdict against GranuFlo dialysis provider, DaVita Inc. culminating lawsuits brought by families of three patients who suffered cardiac arrests and died after receiving dialysis treatments at DaVita clinics. Each of the three parties was awarded \$125 million in punitive damages from the jury, with compensatory damages ranging from \$1.5 million to \$5 million.
- > Over the summer of 2012, Rob was lead counsel in Robin Antonick's case against Electronic Arts, where a jury heard evidence that Electronic Arts failed to pay Antonick for over 20 years for his work in coding and developing the legendary Madden NFL Football video game. This trial, held in the Northern District of California, resulted in two verdicts for Antonick and was dubbed a "Top Trial Verdict of 2013" by The Daily Journal, a leading legal publication.
- > Prevailed at the Arizona Court of Appeals for the second time, keeping intact class certification for tens of thousands of truck drivers suing to recover underpayments caused by misuse of Rand McNally's HHG software by Swift Transportation.
- > Helped originate the Toyota Sudden Unintended Acceleration case, filing the initial Hagens Berman complaints for a case that eventually settled for \$1.6 billion
- > Led Hagens Berman's efforts on the \$97 million settlement with Hyundai and Kia corporations over misrepresentations about MPG ratings
- > Helped secure a first-ever (\$60 million) settlement for collegiate student-athletes (Keller, consolidated with O'Bannon) from Electronic Arts (EA) and the NCAA for the misappropriation of the student-athletes' likenesses and images for the EA college football video game series. This groundbreaking suit went up to the U.S. Supreme Court before a settlement was reached, providing student-athletes—even

PARTNER, EXECUTIVE COMMITTEE MEMBER

Robert B. Carey

current ones—with cash recoveries for the use of their likenesses without permission.

- › Represented Donovan Hill against Pop Warner after he was paralyzed at 13. With Rachel Freeman, Rob secured a settlement that “forever changed youth football” (OC Weekly) and was “unprecedented” and owed a debt of gratitude by those who care about the safety of kids playing football (Washington Post). Donovan died tragically during a 2016 surgery.
- › Rob secured a record verdict for a mother suing her deceased son’s estate for negligence in starting a home fire. He then took an assignment of the estate’s claim and pursued a bad faith claim against the insurer, resulting in lifetime financial security for the badly burned mother.
- › After successfully reforming an insurance policy to cover a client – a student-athlete injured in a roll-over accident that caused incomplete tetraplegia and traumatic brain injury – Rob went to the jury, which awarded damages for all harms and losses requested and for insurance bad faith, with a verdict exceeding over 15 times policy limits.
- › Rob sued the leading auto carrier for refusal to fully cover a pedestrian struck by the carrier’s driver. The verdict was valued over seven figures, and included a finding of willful and wanton conduct, trebling the damages.
- › After Rob cross-examined the CEO and CFO of a pharmacy benefits company, the jury entered a verdict for his client in the liability phase of a \$75-million dispute.
- › During his representation of a driver paralyzed by a car’s roof collapse, the insurance company ignored that the agent did not understand or offer required high-end coverages. The jury returned a verdict with a value over seven figures, including a finding for treble damages.
- › Rob represented passengers of drunk driver, and persuaded the jury to award future earning capacity, essential services, medical bills and to find willful and wanton conduct against the insurer (treble damages). After a successful trip to the state supreme court, the verdict was maintained and had a value in excess of 15 times the policy limits.
- › While serving as Arizona Chief Deputy Attorney General:
 - Helped secure a \$4 billion divestiture and a landmark \$165 million antitrust settlement

RECOGNITION

- › Selected as a Lawdragon 500 Leading Plaintiff Consumers Lawyers
- › Recognized by the judges of the Superior Court of Arizona in Maricopa County for outstanding contributions to the justice system
- › U.S. Department of Justice, recognized for victims’ rights efforts
- › Listed since 2008 as a Top 100 Trial Lawyer by Arizona’s Finest Lawyers and National Trial Lawyers
- › Member of Hagens Berman’s Toyota team selected as a Finalist for Public Justice’s 2014 Trial Lawyer of the Year

EXPERIENCE

- › Adjunct Professor, Sandra Day O’Connor College of Law, teaching class actions. Has taught law and policy courses at other universities.
- › Judge Pro Tempore, Maricopa County Superior Court, presiding over contract and tort jury trials

PARTNER, EXECUTIVE COMMITTEE MEMBER

Robert B. Carey

- › In the 90s, he served as trial counsel on claims by counties for damages stemming from tobacco-related illnesses (and acted as special counsel for Hagens Berman in seeking to recover damages in the landmark tobacco litigation), and since then has led dozens of consumer and insurance class actions in various states.
- › While serving as Arizona Chief Deputy Attorney General Mr. Carey helped secure a \$4 billion divestiture and a landmark \$165 million antitrust settlement. He also was a principal drafter of the first major overhaul of Arizona's criminal code and authored the section of the federal Prisoner Litigation Reform Act of 1995 for Senators Dole and Kyl that virtually eliminated frivolous prisoner lawsuits. Mr. Carey oversaw all major legal, policy, legislative and political issues for the Arizona attorney general's office. He developed and spearheaded passage of Arizona's law requiring the DNA testing of all sex offenders and the law requiring that criminals pay the cost of victims' rights.
- › Campaign staffer, intern, and staff member for U.S. Senator John McCain, during and after Senator McCain's first run for public office

LEGAL ACTIVITIES

- › Member and Former Chairman, Arizona State Bar Class Action and Derivative Suits Committee

PUBLICATIONS

- › Co-author of "7 Punitive Damages Strategies," Trial Magazine, April 2019
- › Co-author of the Arizona chapter of the ABA's "A Practitioner's Guide to Class Actions"
- › Co-author of the Arizona and Colorado chapters of the ABA's "A Practitioner's Guide to Class Actions" (2d ed.)

NOTABLE CASES

- › *Propane Exchange Tank Litigation*
- › *Hyundai/Kia MPG Litigation*
- › *Swift Truckers Litigation*
- › *Toyota Unintended Acceleration Litigation*
- › *NCAA Student-Athlete Name and Likeness Licensing Litigation*
- › *Hyundai Subframe Defect Litigation*
- › *Hyundai Occupant Classification System / Airbag Litigation*
- › *Hyundai Horsepower Litigation*
- › *Arizona v. McKesson False Claims and Consumer Protection Litigation (representing State of Arizona)*
- › *Apple Refurbished iPhone/iPad Litigation*
- › *Jim Brown v. Electronic Arts*
- › *LifeLock Sales and Marketing Litigation*
- › *Rexall Sundown Cellasene Litigation*



PARTNER

Leonard W. Aragon

Before attending college, Mr. Aragon fulfilled his dream as a scout for the 2/68 Armored Tank Battalion.

CONTACT

11 West Jefferson St.
Suite 1000
Phoenix, AZ 85003

(602) 840-5900 office
(602) 840-3012 fax
leonard@hbsslaw.com

YEARS OF EXPERIENCE

> 18

PRACTICE AREAS

- > Commercial Litigation
- > Mass Tort
- > Appellate Advocacy
- > Personal Injury

COURT ADMISSIONS

- > U.S. District Court, District of Arizona
- > U.S. District Court, District of Colorado

EDUCATION

- > Stanford Law School, J.D., 2001
- > Arizona State University, B.A., History and Political Science, *summa cum laude*, 1998

INDUSTRY EXPERIENCE

- > Consumer Fraud
- > Software
- > Sports Law
- > Health Care
- > Pharmaceuticals
- > Election Law
- > Gambling
- > Administrative Procedures Act

CURRENT ROLE

- > Partner, Hagens Berman Sobol Shapiro LLP
- > Practice focuses on nationwide class actions and other complex litigation
- > Currently counsel for plaintiffs in the highly publicized cases *Keller v. Electronic Arts* and *In re NCAA Student-Athlete Name and Likeness Licensing Litigation* which alleges that video game manufacturer Electronic Arts, the National Collegiate Athletic Association, and the Collegiate Licensing Company used the names, images and likenesses of student-athletes in violation of state right of publicity laws and the NCAA's contractual agreements with the student-athletes. The plaintiffs reached a settlement with EA and the CLC in May for \$40 million and reached a settlement in June with the NCAA for \$20 million. The parties are in the process of seeking approval from the Court for the two settlements.

RECENT SUCCESS

- > Multimillion-dollar jury verdict believed to be the largest in Columbiana County, Ohio history
- > Multimillion-dollar class-action settlement on behalf of a nationwide class of student-athletes whose images were used on a website affiliated with CBS Interactive without their permission or compensation
- > Obtained two jury verdicts in favor of the original developer of the Madden Football video game franchise in phased trial over unpaid royalties

RECOGNITION

- > Super Lawyers, Rising Star: Class Action/Mass Tort

LEGAL ACTIVITIES

- > Adjunct Professor, Sandra Day O'Connor College of Law, Arizona State University
- > State Bar of Arizona Bar Leadership Institute Class I
- > Pro bono work in insurance, immigration, family and contract law

NOTABLE CASES

- > *In re NCAA Student-Athlete Name and Likeness Licensing Litigation*
- > *Keller v. Electronic Arts Inc.*
- > *Antonick v. Electronic Arts Inc.*
- > *In re Swift Transportation Co., Inc.*
- > *Hunter v. Hyundai Motor America*
- > *Jim Brown v. NCAA; Liebich v. Maricopa County Community College District*
- > *Liebich v. Maricopa County Community College District*

PERSONAL INSIGHT

Before entering the practice of law, Mr. Aragon was a scout for the 2/68 Armored Tank Battalion, communications director for a successful congressional campaign, and waited on season tickets holders at America West Arena so that he could secretly watch the Phoenix Suns.



PARTNER

Lauren Guth Barnes

Ms. Barnes was honored with the American Association for Justice's Marie Lambert Award in 2018, given to a female attorney in recognition of her exemplary leadership to the profession, to her community, to AAJ and to the Women Trial Lawyers Caucus.

CONTACT

55 Cambridge Parkway
Suite 301
Cambridge, MA 02142

(617) 482-3700 office
(617) 482-3003 fax
lauren@hbsslaw.com

YEARS OF EXPERIENCE

> 15

PRACTICE AREAS

- > Antitrust Litigation
- > Class Actions
- > Consumer Rights
- > Mass Torts
- > Medical Devices
- > Pharmaceuticals/Health Care Fraud
- > RICO

BAR ADMISSIONS

- > Massachusetts

COURT ADMISSIONS

- > U.S. District Court, District of Massachusetts
- > U.S. Court of Appeals, Second Circuit, Eleventh Circuit
- > Supreme Court of the United States

EDUCATION

- > Boston College Law School, J.D., *cum laude*, Articles Editor, Boston College Law Review, 2005
- > Williams College, B.A., International Relations, *cum laude*, 1998

CURRENT ROLE

- > Partner, Hagens Berman Sobol Shapiro LLP
- > Practice focuses on antitrust, consumer protection and RICO litigation against drug and medical device manufacturers in complex class actions and personal injury cases for consumers, large and small health plans, direct purchasers and state governments
- > Co-lead class counsel for direct purchasers in In re Glumetza Antitrust Litigation (N.D. CA.)
- > Co-lead class counsel for direct purchasers in In re Intuniv Antitrust Litigation (D. Mass.)
- > Co-lead class counsel for end payors in In re Humira (Adalimumab) Antitrust Litigation (N.D. Ill.)

EXPERIENCE

- > As co-lead class counsel, helped secure \$72.5 million class settlement for direct purchaser class three days before trial in MDL 2503: In re Solodyn Antitrust Litigation
- > Helped reach a \$73 million class settlement for direct purchasers in MDL No. 2343: In re. Skelaxin Antitrust Litigation
- > Represented the state of Connecticut and helped secure a \$25M settlement in its' action against Eli Lilly over unlawful promotion of and misrepresentations about Zyprexa
- > Represented health benefit providers in the firm's Ketek and copay subsidies class litigation, and individuals harmed by pharmaceuticals such as Yaz, Actos and Granuflo and medical devices including pelvic mesh
- > Served as pro bono counsel in a successful constitutional challenge to the Commonwealth of Massachusetts' exclusion of legal immigrants from the state's universal healthcare program
- > Served as liaison counsel for In re Fresenius Granuflo/Naturalyte Dialysate Products Liability Litigation
- > Active in the fights against forced arbitration federal preemption of consumer rights, working to ensure the public maintains access to the civil justice system and the ability to seek remedies when companies violate the law
- > Co-authored an amicus brief to the Supreme Court in *Pliva v. Mensing* on behalf of practitioners and professors who teach and write on various aspects of pharmaceutical regulation and the delivery of healthcare
- > Worked at Conflict Management Group where she worked with members of the United Nations High Commissioner for Refugees on a pilot project in Bosnia-Herzegovina designed to ease tensions and encourage reconciliation in post-conflict societies, and contributed to *Imagine Coexistence*, a book

PARTNER

Lauren Guth Barnes

developed out of the collaboration

- › Serves on the Board of On The Rise, a Cambridge, MA daytime shelter for homeless women and women in crisis

LEGAL ACTIVITIES

- › American Association for Justice (AAJ)
 - Executive Committee, Member (2014-2015, 2019-present)
 - Board of Governors, Member (2012-present)
 - Law Schools Committee, Co-Chair (2010-present)
 - Committee on the Judiciary, Chair (2018-present)
 - Antitrust Litigation Group, Former Chair (2016-2018)
 - Women Trial Lawyers Caucus, Former Chair (2012-2013)
 - Class Action Litigation Group, Former Co-Chair (2011-2012)
 - New Lawyers Division, Board of Governors (2009-2014)
 - Committees (various), Member
 - AAJ Trial Lawyers Care Task Force, Member (2012-present)
- › Public Justice
 - Board of Directors, Member (2018-present)
 - Class Action Preservation Project, Vice Chair (2019-present)
- › Massachusetts Academy of Trial Attorneys
 - Executive Committee, Member (2012-2014; 2017-present)
 - Board of Governors, Member (2011-present)
- › Institute for Complex Litigation and Mass Claims at Emory Law, Emerging Leaders Board of Advisors (2015-2017)
- › Boston Bar Association, Class Action Committee, Co-Chair (2014-2018)

RECOGNITION

- › Massachusetts Super Lawyer (2018, 2019)
- › AAJ Marie Lambert Award (2018)
- › AAJ Distinguished Service Award (2015, 2017, 2018)
- › AAJ Women's Caucus Excellence in Leadership Award (2017, 2019)
- › AAJ Above and Beyond Award (2016)
- › Institute for Complex Litigation and Mass Claims at Emory Law, Emerging Leaders Board of Advisors – inaugural class (2015-2017)
- › National Law Journal Boston Rising Star Award (2014)
- › Massachusetts Academy of Trial Attorneys President's Award (2014)
- › Massachusetts Bar Association Up & Coming Lawyer Award (2013)
- › Massachusetts Rising Star (2014, 2015)
- › AAJ New Lawyers Division Excellence Award (2010, 2011, 2013, 2014)

PARTNER

Lauren Guth Barnes

- › AAJ New Lawyers Division Above and Beyond Award (2012)
- › AAJ Wiedemann & Wysocki Award (2012, 2013)

NOTABLE CASES

› \$72.5 Million Recovery in Solodyn Antitrust Action

In July 2018, the Honorable Denise J. Casper of the District of Massachusetts granted final approval to a \$72.5 million class settlement for direct purchasers of brand and generic Solodyn. HBSS was co-lead class counsel in this case alleging Medicis entered into a series of reverse payment deals to delay entry of generic Solodyn and used the period of delay to effectuate a product hop, all resulting in overcharges by direct purchasers. The case settled three days before trial.

In re Solodyn Antitrust Litigation, D. Mass., MDL No. 2503

› \$73 Million Recovery for Direct Purchasers of Skelaxin

On Sept. 24, 2014, Judge Curtis Collier of the Eastern District of Tennessee approved a \$73 million settlement for direct purchasers of Skelaxin in litigation alleging Skelaxin's manufacturer colluded with would-be generic competitors, fraudulently delaying generic competition and leading to higher prices. Metaxalone was sold under the brand name Skelaxin since 1962, but the original patent expired in 1979. Manufacturers applied to market generic metaxalone in 2002, and generic competitors remained foreclosed from marketing generic metaxalone until 2010. Hagens Berman served as lead counsel for direct purchasers.

In re Skelaxin (Metaxalone) Antitrust Litigation, E.D.TN., Civil Action No. 1:12-md-2343.

› Health care coverage for 40,000 legal immigrants in Massachusetts

On Jan. 5, 2012, the Massachusetts Supreme Judicial Court ruled unanimously that a state law barring 40,000 low-income legal immigrants from the state's universal health care program unconstitutionally violates those immigrants' rights to equal protection under the law and must be struck down. Hagens Berman served as pro bono counsel.

Finch v. Commonwealth Health Insurance Connector Authority, Mass., Civil Action No. SJC-11025.

› \$25 million for the state of Connecticut for Zyprexa fraud

On Oct. 5, 2009, U.S. District Court Judge Jack B. Weinstein approved a \$25 million settlement reached by the parties to conclude the state's Zyprexa litigation that alleged Lilly engaged in unlawful off-label promotion and misrepresented Zyprexa's safety and efficacy, resulting in millions of dollars in excess pharmaceutical costs. Hagens Berman served as outside counsel to Attorney General Richard Blumenthal.

State of Connecticut v. Eli Lilly & Co., E.D.N.Y., Civil Action No. 08-cv-955-JBW.

PUBLICATIONS

- › "How Mandatory Arbitration Agreements and Class Action Waivers Undermine Consumer Rights and Why We Need Congress to Act," Harvard Law and Policy Review, August 2015

PERSONAL INSIGHT

Unlike many of her colleagues at HBSS, Lauren does not run marathons – unless chasing after her three children counts. Lauren did wrestle in college but refused to don the wrestling singlet. Whenever she can, Lauren rock climbs with her in-laws, breathes deeply at yoga, and hosts dinner parties to, despite usual advice, try totally new recipes. She also keeps the pizza delivery guy on speed dial as back-up for such occasions.



PARTNER

Ian M. Bauer

Mr. Bauer has been at the forefront of child and social welfare policymaking and litigation in Washington State over the past decade, and has extensive experience in litigation involving abuse, neglect and exploitation of children and vulnerable adults.

CONTACT

1301 Second Avenue
Suite 2000
Seattle, WA 98101

(206) 268-9377 office
(206) 623-0594 fax
ianb@hbsslaw.com

YEARS OF EXPERIENCE

> 14

PRACTICE AREAS

> Personal Injury Litigation
> Civil Rights

BAR ADMISSIONS

> Washington

COURT ADMISSIONS

> U.S. District Court, Western District of Washington
> U.S. District Court, Eastern District of Washington
> United State Bankruptcy Court for the Western District of Washington
> Ninth Circuit Court of Appeals

EDUCATION

> Connecticut College, B.A., 1999
> Seattle University School of Law, J.D., *magna cum laude*, 2004

CURRENT ROLE

> Partner, Hagens Berman Sobol Shapiro LLP
> Practice focuses on personal injury and civil rights cases

RECENT SUCCESS

Mr. Bauer has litigated numerous multimillion-dollar cases involving children and vulnerable adults who have suffered profound abuse, neglect or exploitation. Recent recoveries include:

- > Settlement on behalf of five children abused and neglected by their biological parents (\$9.75 million)
- > Settlement on behalf of a developmentally-disabled man who was subjected to extensive neglect and financial exploitation (\$8.0 million)
- > Settlement on behalf of a developmentally-disabled woman who was abused, neglected and financially exploited by her state-paid, in-home caregiver (\$5.52 million)
- > Settlement on behalf of a young child who was abused and neglected by his biological parents (\$5.5 million)
- > Settlement on behalf of a young man who was abused and neglected by a non-relative caregiver (\$4.0 million)
- > Settlement on behalf of a young child who was abused and neglected by her biological mother (\$4.0 million)
- > Settlement on behalf of a young woman who was abused and neglected by a non-relative caregiver (\$3.0 million)
- > Settlement on behalf of an infant abused in day care setting (\$2.84 million)
- > Settlement on behalf of a developmentally-disabled woman abused and neglected by her state-paid, in-home caregiver (\$2.5 million)
- > Settlement on behalf of a developmentally-disabled woman who was sexually and financially exploited by her state-paid, in-home caregiver (\$2.4 million)
- > Settlement on behalf of a young woman sexually abused by her biological father (\$2.0 million)
- > Settlement on behalf of a vulnerable woman sexually assaulted in a hospital emergency room (\$1.2 million)

RECOGNITION

> Mr. Bauer has received an AV rating from Martindale-Hubbell, the highest peer-reviewed national rating a lawyer can obtain, reflecting a preeminent legal ability and exceptional ethical standards.
> Rising Star, Washington Law & Politics Magazine (2009, 2016, 2017)

EXPERIENCE

Prior to joining Hagens Berman, Mr. Bauer's served as an Assistant Attorney General with the Washington State Attorney General's Office. In this role, Mr. Bauer coordinated the defense of civil rights and tort litigation against DSHS, WSDOT, WSP and other state agencies, and supervised two teams of highly-

PARTNER

Ian M. Bauer

experienced attorneys and professional staff. Mr. Bauer also carried a significant caseload of high-profile tort and civil rights cases, as well as cases involving the operation and funding of Washington's foster care, mental health and public assistance systems. Mr. Bauer also advised executive-level agency staff and state risk managers on a wide variety of complex legal issues, including tactical litigation decisions, the implications of legislative, judicial, political and policy decisions, and emergent situations involving the risk of significant exposure.

LEGAL ACTIVITIES

- Member, Washington Association for Justice
- Member, American Association for Justice

PERSONAL INSIGHT

Mr. Bauer is a former collegiate soccer player who continues to follow the game religiously.



PARTNER

Elaine T. Byszewski

Litigated Milk Antitrust from complaint filing to recent settlement of \$52 million

CONTACT

301 North Lake Ave.
Suite 920
Pasadena, CA 91101

(213) 330-7149 office
(213) 330-7152 fax
elaine@hbsslaw.com

YEARS OF EXPERIENCE

> 17

PRACTICE AREAS

- > Consumer Protection
- > Qui Tam
- > Antitrust Litigation
- > Appellate

BAR ADMISSIONS

- > State Bar of California

COURT ADMISSIONS

- > U.S. District Court for the Central District of California
- > U.S. District Court for the Northern District of California
- > U.S. District Court for the Southern District of California
- > U.S. Court of Appeals for the Ninth Circuit
- > U.S. District Court for the Eastern District of California

EDUCATION

- > Harvard Law School, J.D., cum laude, 2002
- > University of Southern California, B.S., Public Policy, summa cum laude, 1999

CURRENT ROLE

- > Partner, Hagens Berman Sobol Shapiro LLP
- > Ms. Byszewski has litigated a number of complex class actions on behalf of consumers, employees and whistleblowers resulting in multimillion-dollar settlements, including cases against Toyota, Ford, AstraZeneca Pharmaceuticals, Berkeley Premium Nutraceuticals, Solvay Pharmaceuticals, Costco, Apple and KB Homes.
- > Currently, Ms. Byszewski is involved in:
 - Multi-state antitrust action against major dairy cooperatives for colluding in the premature slaughter of a half a million cows to drive up the price of milk
 - Deceptive advertising case against Mars, Nestle, and Hershey involving their undisclosed use of child and slave labor in Ivory Coast chocolate supply chains
 - Deceptive advertising case against the makers of Chicken of the Sea, Fancy Feast, Iams, and Meow Mix involving their undisclosed use of slave labor in Thai seafood supply chains
 - Hagens Berman's representation of the City of Los Angeles and other municipalities in litigation against major banks for discriminating against minority borrowers

RECENT SUCCESS

- > Litigated *Milk Antitrust* from complaint filing to settlement of \$52 million and received the American Antitrust Institute's 2018 award for Outstanding Antitrust Litigation Achievement in Private Law Practice
- > Member of litigation team that settled *Toyota Unintended Acceleration Litigation* for \$1.6 billion and was a finalist for Public Justice's 2014 Trial Lawyer of the Year award

NOTABLE CASES

- > *Dairy Cooperatives Antitrust Litigation*
- > *SeaWorld Consumer Lawsuit*
- > *Chocolate Child Labor Cases*
- > *Seafood Slave Labor Cases*
- > *Toyota Unintended Acceleration*
- > *Ford Spark Plugs*
- > *SunRun, Inc. Advertising Litigation*
- > *AstraZeneca Pharmaceuticals (Nexium) Litigation*
- > *Merck (Vioxx) Litigation*
- > *Berkeley Nutraceuticals (Enzyte) Litigation*
- > *Solvay Pharmaceuticals (Estratest) Litigation*
- > *Apple iPod Litigation*
- > *Costco Wage and Hour Litigation*

PARTNER

Elaine T. Byszewski

EXPERIENCE

› Prior to joining Hagens Berman, Ms. Byszewski focused her practice on labor and employment litigation and counseling. During law school she worked in the trial division of the office of the Attorney General of Massachusetts.

PUBLICATIONS

- › “Valuing Companion Animals in Wrongful Death Cases: A Survey of Current Court and Legislative Action and A Suggestion for Valuing Loss of Companionship,” Animal Law Review, 2003, Winner of the Animal Law Review’s 5th Annual Student Writing Competition
- › “What’s in the Wine? A History of FDA’s Role,” Food and Drug Law Journal, 2002
- › “ERISA and RICO: New Tools for HMO Litigators,” Journal of Law, Medicine & Ethics, 2000

PERSONAL INSIGHT

Ms. Byszewski’s proudest moment was teaching her older son to swim. Tennis is next on the agenda. Her biggest challenge is keeping her two-year-old out of trouble.



PARTNER

Catherine Y.N. Gannon

Super Lawyers magazine has recognized Ms. Gannon as a "Rising Star" in Washington state from 2016 to 2020.

CONTACT

1301 Second Avenue
Suite 2000
Seattle, WA 98101

(206) 268-9319 office
(206) 623-0594 fax
catherineg@hbsslaw.com

YEARS OF EXPERIENCE

> 11

PRACTICE AREAS

- > Securities and Antitrust
- > Consumer Protection

BAR ADMISSIONS

- > Washington
- > New York
- > Ontario (Canada)

EDUCATION

- > York University, Osgoode Hall Law School, Senior Editor, Osgoode Hall Law Journal J.D., 2008
- > Carleton University, Bachelor of Public Affairs and Policy Management, *summa cum laude*, 2005

CURRENT ROLE

- > Partner, Hagens Berman Sobol Shapiro LLP
- > Practice focuses on securities and antitrust matters, as well as nationwide consumer protection cases involving large corporations
- > Extensive experience working with expert witnesses, often in economic and other highly technical areas

NOTABLE CASES

- > Volkswagen/Audi/Porsche Diesel Emissions Scandal
- > Aequitas Capital Management Securities Litigation
- > Insulin Overpricing
- > In re MyFord Touch Consumer Litigation
- > NCAA Grant-In-Aid Cap Antitrust Litigation
- > Ford Shelby GT350 Mustang Overheating

EXPERIENCE

- > Weil, Gotshal and Manges LLP, New York, New York, Securities Litigation and Corporate Governance Group
- > McCarthy Tétrault LLP, Toronto, Canada, Complex Commercial Litigation Group
- > Department of Finance, Government of Canada, International Trade and Finance group with an emphasis on economic and trade negotiations at the G-20, IMF and the Paris Club

LEGAL ACTIVITIES

- > iVice President, Board of Directors, Eastside Legal Assistance Program (ELAP)
- > Ms. Gannon maintains a broad pro bono practice with an emphasis on healthcare and disability rights. She has successfully served as lead counsel seeking access to specialized education programs for autistic students in the New York City public school district and has repeatedly advocated for prisoners with mental health needs. Ms. Gannon has also served as a volunteer attorney for both Legal Voice and Disability Rights Washington.
- > Volunteer, Disability Rights Washington
- > Broad pro bono practice with an emphasis on healthcare and disability rights. Successfully served as lead counsel seeking access to specialized education programs for autistic students in the New York City public school district and has repeatedly advocated for prisoners with mental health needs.

RECOGNITION

- > Rising Star, Washington Super Lawyers, 2016-2020

PUBLICATIONS

- > Co-author of the American Bar Association's "A Practitioner's Guide to Class Actions – Vermont Chapter" (2017)
- > "Designing a New Playbook for the New Paradigm: Global Securities Litigation and Regulation," (2011) Harvard Law School Forum on Corporate Governance and Financial Regulation
- > "Legal Vulnerability of Bioethicists in Canada: Is a New Era Upon Us?" (2010) 30 Health Law in Canada 132

PARTNER

Catherine Y.N. Gannon

› “The Threat of the Oppression Remedy to Reorganizing Insolvent Corporations,” (2009) Annual Review of Insolvency Law 429 (with Stephanie Ben-Ishai)

PERSONAL INSIGHT

Ms. Gannon previously worked at leading law firms in both New York City and Toronto prior to joining Hagens Berman in Seattle. Outside of work, Ms. Gannon serves on the board of directors for the Eastside Legal Assistance Program, which provides pro bono civil legal services in the greater Seattle area. She has also volunteered with organizations such as Legal Voice, Disability Rights Washington, Advocates for Children of New York and The Innocence Project. A seasoned backpacker, Ms. Gannon once spent six months traveling to more than a dozen countries across five continents. She is fluent in French and can still pack a suitcase in less than 5 minutes.



PARTNER

Kristen A. Johnson

Public Justice nominated Ms. Johnson and the rest of the Neurontin trial team for Trial Lawyer of the Year for securing a \$142 million verdict against Pfizer for suppressing and manipulating results of scientific studies.

CONTACT

55 Cambridge Parkway
Suite 301
Cambridge, MA 02142

(617) 475-1961 office
(617) 482-3003 fax
kristenjp@hbsslaw.com

YEARS OF EXPERIENCE

> 12

PRACTICE AREAS

- > Class Actions
- > Consumer Rights
- > RICO
- > Antitrust

BAR ADMISSIONS

- > Massachusetts

COURT ADMISSIONS

- > U.S. District Court, District of Massachusetts
- > First Circuit Court of Appeals

EDUCATION

- > Boston College Law School, J.D.
- > Dartmouth College, *cum laude*, B.A.

CURRENT ROLE

- > Partner, Hagens Berman Sobol Shapiro LLP
- > Court-appointed lead counsel for the proposed class of direct purchasers in multidistrict litigation alleging that brand company Merck and generic company Glenmark struck an anticompetitive pay-for-delay agreement to resolve patent-infringement litigation over the drug Zetia. In re Zetia Antitrust Litigation, 2:18-md-2836, E.D. Va., ECF No. 105.
- > Member of the HBSS team litigating antitrust claims on behalf of a proposed class of direct purchasers of brand and generic Glumetza. In re Glumetza Antitrust Litigation, 3:19-cv-05822, N.D. Cal.
- > Working with experts in In re: Ranbaxy Generic Drug Application Antitrust Litigation, 1:19-md-02878, D. Mass.
- > Instrumental in new case investigation work directed to combating waste, fraud, and pricing abuse in the pharmaceutical industry.

RECENT SUCCESS

- > The First Circuit reversed a district court's dismissal of antitrust litigation premised on wrongfully listing patents covering insulin injector pens in FDA's Orange Book. In re Lantus Direct Purchaser Antitrust Litigation, 18-cv-2086, 1st Cir., Feb. 13, 2020.
- > Directed HBSS's litigation efforts, as co-lead counsel for the certified class of direct purchasers, and ran the patent team through the run up to trial in In re Loestrin 24 Fe Antitrust Litigation. The parties have reached a proposed \$120 million settlement shortly before trial. In re Loestrin 24 Fe Antitrust Litigation, 1:13-md-02472, D.R.I., ECF Nos. 10, 1050.
- > Court-appointed Interim lead/liaison class counsel for the proposed direct purchaser class in multidistrict litigation alleging that Allergan engaged in an anticompetitive scheme to delay generic versions of Restasis from coming to market. The parties have reached a proposed \$51.25 million settlement on behalf of the proposed settlement class of direct purchasers of the drug Restasis, In re Restasis Antitrust Litigation, 18-md-2819, E.D.N.Y., ECF No. 50.

LEGAL ACTIVITIES

- > Public Justice, Class Action Preservation Committee
- > American Association for Justice

RECOGNITION

- > In 2014 and 2015, the National Law Journal honored Ms. Johnson as one of Boston's Rising Stars, one of 40 outstanding lawyers under 40.

PARTNER

Kristen A. Johnson

- › In 2011, Public Justice nominated Ms. Johnson and the rest of the Neurontin trial team for Trial Lawyer of the Year for their work in securing a \$142 million verdict against Pfizer for suppressing and manipulating the results of scientific studies that showed Neurontin did not work to treat the off-label indications Pfizer was heavily promoting.

NOTABLE CASES

- › \$94 million settlement for the certified class of direct purchasers in In re Celebrex (Celecoxib) Antitrust Litigation, 2:13-cv-361, E.D. Va., ECF Nos. 64, 455 (court-appointed co-lead counsel).
- › \$98 million settlement for the direct purchaser class in In re Prograf Antitrust Litigation, D. Mass., MDL No. 2242 (team member).
- › Personally appointed alternate lead counsel in the In re New England Compounding Pharmacy Litigation Multidistrict Litigation, 12-md-2419, D. Mass. During the nascent stages of the MDL, the court appointed Ms. Johnson liaison counsel to speak for the hundreds of victims who contracted fungal meningitis or suffered other serious health problems as a result of receiving contaminated products made and sold by NECC. This case resulted in a \$189+ million settlement on behalf of tort victims.
- › Member of the trial team that achieved a \$142 million civil RICO verdict against Pfizer for suppressing and manipulating results of scientific studies concerning the drug Neurontin. Post-trial, the third-party payer class settled with Pfizer for an additional \$325 million. In re Neurontin Marketing, Sales Practices, and Products Liability Litigation, D. Mass., MDL No. 1629.
- › \$150 million settlement for the direct purchaser class in In re Flonase Antitrust Litigation, E.D. Pa., 08-cv-3149 (team member).

PERSONAL INSIGHT

Ms. Johnson grew up in a family law practice (they literally turned a closet into a playroom) in Canfield, Ohio. Her grandfather, uncle, father, brother and sister are all lawyers, all practice together, and her mother runs the law office. Ms. Johnson's career choice was perhaps inevitable, though her departure for Boston makes her a bit of a black sheep.



PARTNER

Reed R. Kathrein

Mr. Kathrein represents institutional, government and individual investors in securities fraud, and corporate governance cases.

CONTACT

715 Hearst Ave.
Suite 202
Berkeley, CA 94710

(510) 725-3000 office
(510) 725-3001 fax
reed@hbsslw.com

YEARS OF EXPERIENCE

> 43

PRACTICE AREAS

> Securities Litigation

BAR ADMISSIONS

> State of California
> State of Illinois
> State of Florida

COURT ADMISSIONS

> Supreme Court of California
> Supreme Court of Florida
> Supreme Court of Illinois
> U.S. District Court for the
Northern District of California
> U.S. District Court for the
Northern District of Illinois
> U.S. District Court of Colorado
> U.S. Court of Appeals, Ninth
Circuit

EDUCATION

> University of Miami, J.D., 1977
> University of Miami, B.A., 1974

CURRENT ROLE

> Partner, Hagens Berman Sobol Shapiro LLP
> Regular public speaker on securities, class action and consumer law issues

RECOGNITION

> Super Lawyer, Super Lawyers Magazine, 2007 - 2019

EXPERIENCE

> Litigated over 100 securities fraud class actions
> Worked behind the scenes in shaping the Private Securities Litigation Reform Act, the Securities
Litigation Uniform Standards Act and the Sarbanes-Oxley Act
> Lawyer Representative, Ninth Circuit Court of Appeals
> Lawyer Representative, U.S. District Court for the Northern District of California, 2008-2011
> Chaired the Magistrate Judge Merit Selection Panel, U.S. District Court, Northern District of California,
2006-2008
> Co-chaired the Securities Rules Advisory Committee, U.S. District Court, Northern District of California,
2004-2006

LEGAL ACTIVITIES

> Member, National Association of Public Pension Attorneys (NAPPA)
> Member and Speaker, National Conference on Public Employee Retirement Systems (NCPERS)
> Member, Council of Institutional Investors (CII)
> Member, State Association of County Retirement Systems (SACRS)
> Member, National Council on Teacher Retirement (NCTR)
> Member, California Association of Public Retirement Systems (CALAPRS)
> Member, Michigan Association of Public Employee Retirement Systems (MAPERS)
> Member, Illinois Public Pension Fund (IPPPA)
> Member, Standing Committee on Professional Conduct, U.S. District Court, Northern District of
California (Term expires 2017)
> Expedited Trial Rules Committee, U.S. District Court, Northern District of California, 2010-2012
> Lawyer Representative to the Ninth Circuit Court of Appeals, U.S. District Court, Northern District of
California, 2008-2011
> Chair/ Member, Magistrate Judge Merit Selection Panel, U.S. District Court, Northern District of
California, 2006-2008

PARTNER

Reed R. Kathrein

PUBLICATIONS

- › “A Look at Recent Demographics and Other Statistics in Securities Fraud Class Actions,” The NAPPA Report, October 2016
- › “Post-Morrison: The Global Journey Towards Asset Recovery,” Reed R. Kathrein, Peter E. Borkon, Nick S. Singer, contributing members, NAPPA Morrison Working Group, June 2016
- › “Interview with Bernie Madoff,” Hagens Berman, HBSS Securities News, Fall 2015
- › “Is Your Fund Prepared for Halliburton?,” March 2014
- › “O Securities Fraud, Where Art Thou?, Enter Robocop,” Hagens Berman, HBSS Securities News, November 2013
- › “Professor Coffee to SEC: Hire Plaintiffs Bar!,” Hagens Berman, HBSS Securities News, May 2013
- › “Living in a Post-Morrison World: How to Protect Your Assets Against Securities Fraud,” Reed R. Kathrein, Peter E. Borkon, contributing members, NAPPA Morrison Working Group, 2012
- › “SEC Action Necessary, But Not Sufficient to Protect Investors,” Hagens Berman, HBSS Securities News, November 2012
- › “Are You Watching Your Private Equity Valuations?” Hagens Berman, HBSS Securities News, May 2012
- › “What Do Trustees Need to Know When Investing In Foreign Equities?,” Hagens Berman, HBSS Securities News, November 2011

PRESENTATIONS

- › “Incoming! How the New Administration’s Approach to Securities Laws and Regulations Affect Investors and Markets,” MAPERS, Spring Conference, May 2017
- › “Occupy Wall Street through Reform of the Securities Law,” NCPERS, Legislative Conference, February 2012
- › “Legal Issues Facing Public Pensions,” Opal, Public Funds Summit, January 2012
- › “Protection vs. Interference – What the New Federal Regulations Mean to Institutional Investors,” NCPERS, Annual Conference, May 2011 “The Immediate Need for Congress to Act on Investor Friendly Legislation,” NCPERS, Annual Conference, May 2010
- › “Investor Friendly Legislation in Congress,” NCPERS, Legislative Conference, February 2010

NOTABLE CASES

- › Litigated over 100 securities fraud class actions including cases against 3Com, Adaptive Broadband, Abbott Laboratories, Bank of America, Capital Consultants, CBT, Ceridian, Commtouch, Covad, CVXT, ESS, Harmonics, Intel, Leasing Solutions, Nash Finch, Northpoint, Oppenheimer, Oracle, Pemstar, Retek, Schwab Yield Plus Fund, Secure Computing, Sun Microsystems, Tremont (Bernard Madoff), Titan, Verifone, Whitehall, and Xoma
- › Litigated many consumer, employment and privacy law cases including AT&T Wiretapping Litigation, Costco Employment, Solvay Consumer, Google/Yahoo Internet Gambling, Vonage Spam, Apple Nano

PARTNER

Reed R. Kathrein

Consumer, Ebay Consumer, LA Cellular Consumer, AOL Consumer, Tenet Consumer and Napster Consumer

PERSONAL INSIGHT

Reed is a recovering rock-and-roll drummer and banjo ukulele player. His rock band, the Stowaways, was voted 4th best in the State of Illinois out of 300 bands in the Jaycees Battle of the Bands. Reed's mother made his band costume of blue jean bell bottoms, sailor shirts and hats. The next year everyone wore blue jean bell bottoms to Woodstock. His prized possession is a 30lb Jeff Ocheltree snare drum made by Led Zeppelin John Bonham's drum technician. The rest of his kit is patterned after Dave Matthews Band's drummer, Carter Beauford. In his spare time, Reed works on playing Stairway to Heaven (drums) in his garage or Somewhere Over the Rainbow (banjo ukulele) in the High Sierra mountains.



PARTNER

Daniel J. Kurowski

2020 "Rising Star" in Illinois, Super Lawyers

CONTACT

455 N. Cityfront Plaza Drive
Suite 2410
Chicago, IL 60611

(708) 628-4963 office
(708) 628-4950 fax
dank@hbsslaw.com

YEARS OF EXPERIENCE

> 15

PRACTICE AREAS

- > Consumer Rights Litigation
- > Sports Litigation
- > Antitrust Litigation
- > Pharmaceutical Fraud

CLERKSHIPS

- > Hon. Paul E. Plunkett,
Northern District of Illinois
- > Hon. Maria Valdez, Northern
District of Illinois

BAR ADMISSIONS

- > Illinois

COURT ADMISSIONS

- > U.S. Court of Appeals, Seventh
Circuit
- > U.S. Court of Appeals, Second
Circuit
- > U.S. District Court, Northern
District of Illinois
- > U.S. District Court, Central
District of Illinois
- > U.S. District Court, Southern
District of Illinois

EDUCATION

- > John Marshall Law School,
J.D., *cum laude*, 2005
- > Loyola University Chicago,
B.B.A., with Honors, 2002

CURRENT ROLE

- > Associate, Hagens Berman Sobol Shapiro LLP
- > Daniel J. Kurowski is a partner at Hagens Berman Sobol Shapiro LLP. Since 2006, Mr. Kurowski has focused his practice on protecting the interests of individuals and small companies prejudiced by large corporations and organizations, often in consolidated multi-district litigation proceedings. Based in Chicago, with cases located throughout the country, his current work with the firm covers a diverse variety of complex cases including:
 - Representing student-athletes in individual personal injury and class-action litigation pertaining to concussions/traumatic brain injuries suffered during sporting activities, including in *In Re National Collegiate Athletic Association Student-Athlete Concussion Injury Litigation* (N.D. Ill.), *Mayall v. USA Water Polo, Inc.* (C.D. Cal.) and *In Re NFL Players' Concussion Injury Litig.* (E.D. Pa.).
 - Representing consumers of electricity in action alleging claims against nearly two dozen defendants for perpetuating an extensive fuel oil fraud, resulting in users of electricity in Puerto Rico being overcharged by more than \$1 billion dollars for electricity since 2002.
 - Representing purchasers with antitrust, consumer fraud and/or unjust enrichment claims against sellers and manufacturers of retail products.

RECENT SUCCESS

- > *In re Pre-Filled Propane Sales & Marketing Practices Litigation* (W.D. Mo.) (\$35 million in settlements involving multiple defendants)
- > *In re Bayer Combination Aspirin Sales & Marketing Practices Litigation* (E.D.N.Y.) (\$15 million settlement)
- > *In re Aurora Dairy Organic Milk Marketing & Sales Practices Litigation* (E.D. Mo.) (\$7.5 million settlement)
- > *Silk v. Bowling Green State University* (Ohio Court of Claims) (\$712,500 individual settlement for student-athlete injured as a result of alleged failures to properly manage athlete's concussions)
- > *In re NFL Players' Concussion Injury Litigation* (E.D. Pa.) (over \$3.3 million in approved claims for former NFL players)

RECOGNITION

- > Illinois Rising Star, Super Lawyers Magazine, 2015 - 2020

EXPERIENCE

- > Federal judicial law clerk, Hon. Paul E. Plunkett and Hon. Maria Valdez
- > Intern, U.S. Department of Housing and Urban Development's Office of Fair Housing and Equal Opportunity, the U.S. Attorney's Office for the Northern District of Illinois and with Hon. Ronald A. Guzman and his staff
- > During law school, Mr. Kurowski received multiple academic scholarships, served as a staff member and Lead Articles Editor for The John Marshall Law Review, and received an award for an appellate brief submitted in a national moot court competition

PARTNER

Daniel J. Kurowski

LEGAL ACTIVITIES

- › Seventh Circuit Council on eDiscovery and Digital Information
- › Member of American Association for Justice, Illinois State Bar Association, Chicago Bar Association
- › Investigator, Chicago Bar Association, Judicial Evaluation Committee

NOTABLE CASES

- › *Aurora Dairy Corporation Organic Milk Marketing & Sales Practices Litigation* (E.D. Mo.)
- › *Bayer Corp. Combination Aspirin Product Marketing & Sales Practices Litigation* (E.D.N.Y.)
- › *Bisphenol-A (BPA) Polycarbonate Plastic Products Liability Litigation* (W.D. Mo.)
- › *Pre-Filled Propane Tank Marketing & Sales Practices Litigation* (W.D. Mo.)
- › *RC2 Corp. Toy Lead Paint Products Liability Litigation* (N.D. Ill.)

PERSONAL INSIGHT

Dan enjoys staying active by competing in cyclocross races and equally intense races chasing after his two children. Dan is also a board member for the DuPage Cycling Foundation, a 501(c)(3) non-profit corporation that raises fund for community non-profits through the hosting and promotion of cycling events.



PARTNER

Thomas E. Loeser

Mr. Loeser obtained judgments in cases that have returned billions of dollars to millions of consumers and more than \$100 million to the government.

CONTACT

1301 Second Avenue
Suite 2000
Seattle, WA 98101

(206) 268-9337 office
(206) 623-0594 fax
toml@hbsslaw.com

YEARS OF EXPERIENCE

> 20

PRACTICE AREAS

- > Consumer Rights
- > False Claims Act/**Qui Tam**
- > Government Fraud
- > Corporate Fraud
- > Data Breach/Identity Theft and Privacy

INDUSTRY EXPERIENCE

- > Automotive
- > Consumer Fraud
- > Cyber and Intellectual Property Crimes
- > Racketeering
- > False Claims
- > Government Fraud
- > Technology
- > Software
- > Recreation
- > Athletic Apparel

BAR ADMISSIONS

- > California
- > Illinois
- > District of Columbia

COURT ADMISSIONS

- > District of Columbia
- > U.S. District Court for the District of Columbia

CURRENT ROLE

- > Partner, Hagens Berman Sobol Shapiro LLP
- > Practice focuses on class actions, False Claims Act and other whistleblower cases, consumer protection and data breach/identity-theft/privacy cases
- > Successfully litigated class-action lawsuits against mortgage lenders, appraisal management companies, automotive manufacturers, national banks, home builders, hospitals, title insurers, technology companies and data processors
- > Currently prosecuting consumer protection class-action cases against banks, automobile manufacturers, lenders, loan servicing companies, technology companies, national retailers, payment processors and False Claims Act whistleblower suits now under seal
- > Obtained judgments in cases that have returned billions of dollars to millions of consumers and more than \$100 million to the government

RECOGNITION

- > The National Trial Lawyers: Top 100, 2019 -2020
- > Washington Super Lawyers, 2016 - 2020
- > Washington Top Lawyers, 2016 - 2020
- > Martindale-Hubbell® AV Preeminent rating, 2015 - 2020
- > Lawdragon 500 Leading Lawyers in America - 2019

EXPERIENCE

- > Experience trying cases in federal and state courts in San Francisco, Los Angeles and Seattle
- > Served as lead or co-lead counsel in 12 federal jury trials and has presented more than a dozen cases to the Ninth Circuit Court of Appeals
- > As a federal prosecutor in Los Angeles, Mr. Loeser was a member of the Cyber and Intellectual Property Crimes Section and regularly appeared in the Central District trial courts and the Ninth Circuit Court of Appeals
- > Assistant U.S. Attorney, U.S. Department of Justice
- > Wilson Sonsini Goodrich & Rosati

NOTABLE CASES

- > *Volkswagen Emissions Defect Litigation*
- > *Shea Homes Construction Defect Litigation*
- > *Meracord/Noteworld Debt Settlement Litigation*

PARTNER

Thomas E. Loeser

- › U.S. District Court for the Eastern District of California
- › U.S. District Court for the Northern District of California
- › U.S. District Court for the Southern District of California
- › U.S. District Court for the Central District of California
- › Supreme Court of California
- › U.S. District Court for the Eastern District of Michigan
- › U.S. District Court for the Western District of Washington
- › Supreme Court of Washington
- › Ninth Circuit Court of Appeals
- › *Defective RV Refrigerators Litigation*
- › *New Jersey Medicare Outlier Litigation*
- › *Center for Diagnostic Imaging Qui Tam Litigation*
- › *Countrywide FHA Fraud Qui Tam Litigation*
- › *Chicago Title Insurance Co. Litigation*
- › *KB Homes Captive Escrow Litigation*
- › *Aurora Loan Modification Litigation*
- › *Wells Fargo HAMP Modification Litigation*
- › *JPMorgan Chase Force-Placed Flood Insurance Litigation*
- › *Wells Fargo Force-Placed Insurance Litigation*
- › *Target Data Breach Litigation*
- › *Cornerstone Advisors Derivative Litigation*
- › *Honda Civic Hybrid Litigation*
- › *Hyundai MPG Litigation*

EDUCATION

- › Duke University School of Law, J.D., *magna cum Laude*, Order of the Coif, Articles Editor Law and Contemporary Problems, 1999
- › University of Washington, M.B.A., *cum laude*, Beta Gamma Sigma, 1994
- › Middlebury College, B.A., Physics with Minor in Italian, 1988

LANGUAGES

- › French
- › Italian



PARTNER

Robert F. Lopez

Mr. Lopez continues practice on qui tam matters at the firm, representing whistleblowers in cases involving violations of federal and state laws that prohibit the making of false claims for government payments.

CONTACT

1301 Second Avenue
Suite 2000
Seattle, WA 98101

(206) 268-9304 office
(206) 623-0594 fax
robl@hbsslaw.com

PRACTICE AREAS

- › Complex Commercial Litigation
- › Health Care & Pharmaceuticals Litigation
- › Intellectual Property Litigation
- › Privacy Litigation
- › Antitrust Litigation
- › Securities Litigation
- › **Qui Tam** Litigation

BAR ADMISSIONS

- › Washington

COURT ADMISSIONS

- › Western District of Washington
- › Eastern District of Washington
- › U.S. Court of Appeals for the Ninth Circuit

EDUCATION

- › Gonzaga University, B.A., English Literature; Arnold Scholar
- › University of Washington School of Law, J.D.

CURRENT ROLE

- › Partner, Hagens Berman Sobol Shapiro LLP
- › Offers a broad range of legal experience in the fields of:
 - Complex commercial litigation
 - Health care and pharmaceuticals litigation
 - Product defect litigation
 - False Claims Act litigation
 - Intellectual property litigation
 - Privacy litigation
 - Securities litigation
 - Antitrust litigation
 - Creditor-debtor litigation
- › Member of firm's *In re Carrier IQ, Inc. Consumer Privacy Litigation* team
- › Member of the firm's team representing the plaintiffs and proposed class in *Free Range Content Inc. v. Google Inc.*, an class-action case based on allegations that Google unlawfully denies payments to thousands of website owners and operators who place ads on their sites sold through Google AdWords
- › Continues practice on *qui tam* matters at the firm, representing whistleblowers in cases involving violations of federal and state laws that prohibit the making of false claims for government payments

EXPERIENCE

- › Experienced in prosecuting and defending appeals in the federal and state courts of appeal; representing institutions and consumers in nationwide class-action lawsuits, including in the federal multidistrict litigation setting; advising clients in non-litigation settings with respect to trademark, trade-name, copyright and Internet-communications law
- › Member of firm's team representing one of the relators in the 2012 settlement with Amgen Inc., in which the company agreed to pay \$612 million to the U.S. and various state governments in order to resolve claims that it caused false claims to be submitted to Medicare, Medicaid and other government insurance programs
- › Member of the firm's team that prosecuted *In re Charles Schwab Corp. Securities Litigation*
- › Experienced in class-action litigation against DaimlerChrysler Corporation relating to product defects in its Neon automobiles, nationwide class-action cases against Trex Company, Inc. and Fiber Composites, Inc.
- › Founding Member and Partner, Socius Law Group PLLC
- › Partner, Betts, Patterson & Mines, P.S.

PARTNER

Robert F. Lopez

NOTABLE CASES

- › *In re Pharmaceutical Industry Average Wholesale Price Litigation*
- › *Amgen Inc. Qui Tam Litigation*
- › *In re Metropolitan Securities Litigation*
- › *In re Charles Schwab Corp. Securities Litigation*
- › *In re Carrier IQ, Inc. Consumer Privacy Litigation*



PARTNER

Barbara Mahoney

Ms. Mahoney received her doctorate in philosophy from the Universität Freiburg (Germany), where she graduated magna cum laude.

CONTACT

1301 Second Avenue
Suite 2000
Seattle, WA 98101

(206) 268-9308 office
(206) 623-0594 fax
barbaram@hbsslaw.com

YEARS OF EXPERIENCE

> 18

PRACTICE AREAS

- > Civil RICO
- > Consumer Rights
- > Environmental Litigation
- > Intellectual Property
- > State False Claims

INDUSTRY EXPERIENCE

- > Pharmaceutical Industry
- > Class Action Litigation

BAR ADMISSIONS

- > Washington

COURT ADMISSIONS

- > U.S. District Court, Western District of Washington
- > U.S. District Court, Eastern District of Washington
- > Ninth Circuit Court of Appeals

EDUCATION

- > University of Washington, J.D., 2001
- > Universität Freiburg, PhD, philosophy, *magna cum laude*, 1993

CURRENT ROLE

- > Partner, Hagens Berman Sobol Shapiro LLP
- > Focuses primarily on national class actions and pharmaceutical litigation
- > Currently part of the firm's legal team representing 2014-16 BMW i3 REx owners in a class action regarding a defect in the range extender that causes the cars to suddenly reduce speed and power without warning when transitioning from pure battery mode to the range extender.
- > Represents consumers in a nationwide class action against Dometic Corporation seeking compensation for RV and boat owners who experienced extensive loss of property due to fires and explosions caused by defective refrigerators sold by Dometic.
- > Extensively involved in several suits against McKesson relating to allegations the company engaged in a scheme that raised prices of 400+ brand-name prescription drugs. Resulted in two national class-action settlements for \$350 million and \$82 million. In related litigation, Ms. Mahoney represented Virginia, Connecticut, Arizona, Oregon, Utah and Montana in individual cases against McKesson.
- > Extensively involved in *In re: Generic Pharmaceuticals Pricing Antitrust Litigation* on behalf of putative class of direct purchasers in MDL alleging generic drug manufacturers engaged in price fixing.
- > Represents Kentucky homeowners in a putative class action against Louisville Gas & Electricity to recover the cost of removing coal ash and dust from their homes.
- > Previously, she was involved in pioneering litigation against oil and energy companies for the village and tribe of Kivalina to recover the cost of extensive damage to the village caused by global warming.

RECOGNITION

- > Rising Star, Washington Law & Politics, 2005

EXPERIENCE

- > Worked in several areas of commercial litigation, including unlawful competition, antitrust, securities, trademark, CERCLA, RICO, FLSA as well as federal aviation and maritime law
- > Associate, Calfo Harrigan Leyh & Eakes LLP (formerly Danielson Harrigan Leyh & Tollefson)
- > Law Clerk, Justice Sanders, Washington Supreme Court
- > Law Clerk, Judge Sandra Brown Armstrong, U.S. District Court, N.D. California

LEGAL ACTIVITIES

- > Downtown Neighborhood Legal Clinic
- > Q Law

PARTNER

Barbara Mahoney

- › Cooperating Attorney with American Civil Liberties Union of Washington

NOTABLE CASES

- › New England Carpenters v. First DataBank (\$350 million class-action settlement)
- › Douglas County v. McKesson (\$82 million class-action settlement)

LANGUAGES

- › Fluent in German
- › Reads Swedish and French

PERSONAL INSIGHT

Ms. Mahoney lives in West Seattle with her partner and is very active in local athletic organizations. She is a former board member of Rain City Soccer, where she also organized a summer-long program on basic skills. She is also active in Seattle Frontrunners, a masters track club. She enjoys reading, running, soccer and studying foreign languages.



PARTNER

Sean R. Matt

Leads the firm's innovation in organizing and prosecuting individual class cases across many states involving the same defendants and similar factual and legal issues, an approach that continues to be a key factor in the firm's success

CONTACT

1301 Second Avenue
Suite 2000
Seattle, WA 98101

(206) 268-9327 office
(206) 623-0594 fax
sean@hbsslaw.com

YEARS OF EXPERIENCE

> 27

PRACTICE AREAS

- > Securities Litigation
- > Consumer Rights
- > Antitrust Litigation
- > Insurance
- > Products Liability

INDUSTRY EXPERIENCE

- > Complex Financial Instruments
- > Investments
- > Pharmaceuticals
- > Automotive

COURT ADMISSIONS

- > Supreme Court of Washington
- > U.S. District Court, Western District of Washington
- > U.S. District Court, District of Colorado
- > Ninth Circuit U.S. Court of Appeals

EDUCATION

- > Indiana University, B.S., Finance, Highest Distinction, 1988
- > University of Oregon School of Law, J.D., Order of the Coif (top 10%), Associate Editor of the Law Review, 1992

CURRENT ROLE

- > Partner, Hagens Berman Sobol Shapiro LLP, since its founding in 1993
- > Practice focuses on multi-state and nationwide class actions and complex commercial litigation encompassing securities and finance, consumer, antitrust, insurance and products
- > Diverse experience in most of the firm's practice areas, involving appearances in state and federal courts across the country at both the trial and appellate levels
- > Key member of the firm's securities litigation team, most recently co-leading the prosecution and settlement of the *In re Charles Schwab Securities Litigation*, the *In re Oppenheimer Champion Income Fund Securities Class Actions* and the *Oppenheimer Core Bond Fund Class Action Litigation*
- > Key member of the firm's pharmaceutical litigation team that confronts unfair and deceptive pricing and marketing practices in the drug and dietary supplement industries including Average Wholesale Price Litigation, the *First Databank/McKesson Pricing Fraud Litigation* and the *Enzyte Litigation*
- > Key member of the firm's automobile defect litigation team

RECOGNITION

- > In 2014, Public Justice nominated Mr. Matt and the *In re Toyota Motor Corp. Sudden, Unintended Acceleration* team for the Trial Lawyer of the Year Award for their work in securing a \$1.6 billion settlement for car owners.

PUBLICATIONS

- > Providing a Model Responsive to the Needs of Small Businesses at Formation: A Focus on Ex Ante Flexibility and Predictability, 71 Oregon Law Review 631, 1992

NOTABLE CASES

- > *In re Charles Schwab Securities Litigation* (\$235 million settlement)
- > *In re Oppenheimer Champion Income Fund Securities Fraud Class Actions* (\$52.5 million proposed settlement)
- > *Oppenheimer Core Bond Fund Class Action Litigation* (\$47.5 million settlement)
- > *Morrison Knudsen and Costco Wholesale Corp. Securities Litigation*
- > *In re Pharmaceutical Industry Average Wholesale Price Litigation* (\$338 million settlement)
- > *In re Toyota Motor Corp. Unintended Acceleration Marketing, Sales Practices, and Products Liability Litigation*
- > *In re Checking Account Overdraft* cases pending against many of the country's largest banks

PARTNER

Sean R. Matt

- › *Washington State Ferry Litigation*, which resulted in one of the most favorable settlements in class litigation in the history of the state of Washington
- › *Microsoft Consumer Antitrust* cases
- › State Attorneys General *Tobacco Litigation*, assisted with client liaison responsibilities, working closely with assistant attorneys general in Oregon, Ohio, Arizona, Alaska and New York, as well as assisting in all litigation matters

PERSONAL INSIGHT

Sean, whose four-man team won cycling's prestigious Race Across America with a time of six days and three hours, still occasionally rides a bike.



PARTNER

Martin D. McLean

Mr. McLean is a true trial attorney having tried 30 cases to verdict in various state and federal courts.

CONTACT

1301 Second Avenue
Suite 2000
Seattle, WA 98101

(206) 268-9359 office
(206) 623-0594 fax
martym@hbsslaw.com

YEARS OF EXPERIENCE

> 16

PRACTICE AREAS

- > Personal Injury
- > Civil Rights
- > Insurance Bad Faith
- > Public Records Act

BAR ADMISSIONS

- > U.S. District Court for the Western District of Washington
- > U.S. District Court for the Eastern District of Washington
- > Ninth Circuit Court of Appeals
- > Supreme Court of Washington

EDUCATION

- > Seattle University School of Law, J.D., *cum laude*, 2002

CURRENT ROLE

- > Associate, Hagens Berman Sobol Shapiro LLP
- > Represents individuals who have suffered catastrophic personal injury or loss
- > Clientele includes a wide range of individuals, including children who have suffered harm while in state care, elderly adults who have experienced abuse or neglect in nursing homes and individuals harmed by medical negligence.
- > Mr. McLean has been at the forefront of litigation involving the Washington Public Records Act.

RECENT SUCCESS

- > During his tenure with Hagens Berman's personal injury team, Mr. McLean has contributed to numerous lawsuits resulting in multimillion-dollar recoveries on behalf of the firm's clients.

EXPERIENCE

- > Mr. McLean is a seasoned trial attorney, with extensive experience in all phases of litigation.

NOTABLE CASES

- > Marx v. DSHS, \$3 million judgment on behalf of developmentally-disabled patient sexually abused at state-run hospital
- > Tamas v. State of Washington, \$525,000 judgment on behalf of three children seeking publicrecords from state agency
- > Wright v. DSHS, \$2,850,000 judgment against the state of Washington for negligent child abuse investigation
- > Rudolph v. DSHS, \$900,000 judgement on behalf of family of a vulnerable adult severely neglected in state-licensed adult family home

PERSONAL INSIGHT

Mr. McLean spent a year living in Italy studying art, history, Italian and wine-drinking. When not practicing law, Mr. McLean enjoys his new favorite hobby: raising his young son with his wife.



PARTNER

David P. Moody

Mr. Moody has successfully secured many multimillion-dollar recoveries on behalf of vulnerable citizens who have been abused, neglected or exploited.

CONTACT

1301 Second Avenue
Suite 2000
Seattle, WA 98101

(206) 268-9323 office
(206) 623-0594 fax
davidm@hbsslaw.com

YEARS OF EXPERIENCE

> 26

PRACTICE AREAS

> Personal Injury Litigation
> Civil Rights

INDUSTRY EXPERIENCE

> Children, Elderly and
Incapacitated Citizens who are
Victims of Neglect or Abuse

BAR ADMISSIONS

> Washington

COURT ADMISSIONS

> U.S. Supreme Court
> U.S. Court of Appeals, Ninth
Circuit

EDUCATION

> George Washington University
School of Law, J.D., 1993
> University of Washington, B.A.,
1990

CURRENT ROLE

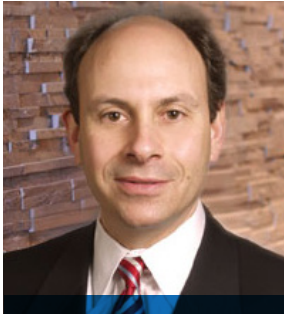
> Partner, Hagens Berman Sobol Shapiro LLP
> A trial attorney with a passion for representing children, the disabled, elderly and incapacitated citizens

NOTABLE CASES

- > Mr. Moody has secured many multimillion-dollar recoveries on behalf of vulnerable citizens who have been abused, neglected or exploited, including:
 - Largest jury verdict ever upheld against the State of Washington, DSHS (\$17.8 million)
 - Largest single-plaintiff settlement against the State of Washington, DSHS (\$8.8 million)
 - Largest recovery on behalf of three foster children (\$7.3 million)
 - Largest single-plaintiff settlement on behalf of a child in Snohomish County, Washington (\$5 million)
 - Largest judgment on behalf of an incapacitated child in Spokane County, Washington (\$4 million)
 - Judgment for a disabled woman in Santa Clara County, California (\$4 million)
 - Largest judgment ever obtained against Eastern State Hospital (\$3 million)
 - Largest judgment ever obtained against the State of Washington, Child Study and Treatment Center (\$3 million)
 - Judgment for a boy neglected and abused in Snohomish County, Washington (\$2.85 million)
 - Judgment for a girl neglected and abused in Pierce County, Washington (\$2.85 million)
 - Settlement on behalf of brain-injured infant abused in day care setting (\$2.84 million)
 - Largest single-plaintiff jury verdict on behalf of an incapacitated adult in Kitsap County, Washington (\$2.6 million)
 - Judgment in the amount of \$2.5 million for a client abused at Eastern State Hospital
 - Largest single-plaintiff settlement on behalf of a developmentally disabled male in eastern Washington (\$2.25 million)
 - Several additional settlements in excess of \$1 million

PERSONAL INSIGHT

David is proud to be a native Washingtonian and enjoys strong ties to the eastern side of the state. David's grandfather Jack Edward Moody was born and raised in Dayton, Washington, and David's great-grandfather Edward Maple Moody was the Sheriff of Columbia County, Washington. David's maternal grandmother, Eva Armstrong, was one of the first female graduates of Whitman College in Walla Walla, Washington.



PARTNER

David S. Nalven

Extensive experience in prosecution of antitrust, fraudulent marketing and unfair pricing claims against manufacturers of pharmaceutical products and medical devices, representing prescription drug wholesalers and retailers, health insurers and consumers.

CONTACT

55 Cambridge Parkway
Suite 301
Cambridge, MA 02142

(617) 482-3700 office
(617) 482-3003 fax
davidn@hbsslaw.com

YEARS OF EXPERIENCE

> 34

PRACTICE AREAS

- > Pharmaceuticals and Medical Devices
- > Antitrust Litigation
- > Consumer Rights
- > Securities Litigation

BAR ADMISSIONS

- > Massachusetts
- > New York

CLERKSHIPS

- > John R. Gibson, U.S. Court of Appeals for the Eighth Circuit, 1985-1986

EDUCATION

- > New York University School of Law, J.D., 1985; Senior Research Editor, Annual Survey of American Law; Recipient, Philip Cohen award for greatest contribution by an editor to Annual Survey of American Law
- > University of Pennsylvania, B.A., English, *magna cum laude*, 1980

CURRENT ROLE

- > Partner, Hagens Berman Sobol Shapiro LLP
- > Practice focuses on prosecution of federal and multi-state class actions involving the pharmaceutical and medical device industries
- > Served in leadership roles in nationwide antitrust class actions against the manufacturers of Ovcon 35, OxyContin, Tricor, Wellbutrin XL, Toprol XL, Norvir, Doryx, Prograf, Nexium and others
- > Prosecuted fraudulent marketing class actions against the manufacturers of Serostim, Nexium, Actimmune and Zyprexa, as well as substantial matters against medical device manufacturers DePuy Spine, Inc. and Becton Dickinson
- > Worked extensively on the nationwide Average Wholesale Price Litigation and in the representation of the state of Connecticut in multiple prescription drug pricing matters

EXPERIENCE

- > Chief of Business and Labor Protection Bureau, Massachusetts Attorney General's Office, Commonwealth of Massachusetts, 1999-2004
- > Partner, Prince, Lobel & Tye, LLP, Boston, MA, 1991-1999
- > Private practice representing plaintiffs and defendants in civil and criminal business litigation, New York and Massachusetts, 1986-1991
- > Clerk to John R. Gibson, U.S. Court of Appeals for the Eighth Circuit, 1985-1986

NOTABLE CASES

- > *Average Wholesale Price Litigation*
- > *Tricor Antitrust Litigation*
- > *DePuy Spine Artificial Disc Litigation*
- > *Prograf Antitrust Litigation*
- > *Lidoderm Antitrust Litigation*

PERSONAL INSIGHT

- > David is an avid short-distance cyclist (home to work) and lover of city life.



PARTNER

Christopher A. O'Hara

Plays key role in working with notice and claims administrators on all the firm's class settlements and class notice programs

CONTACT

1301 Second Avenue
Suite 2000
Seattle, WA 98101

(206) 268-9351 office
(206) 623-0594 fax
chriso@hbsslaw.com

YEARS OF EXPERIENCE

> 32

PRACTICE AREAS

- > Antitrust Litigation
- > Consumer Rights
- > Tax Law
- > Securities Litigation
- > Pharmaceutical Fraud

BAR ADMISSIONS

- > Washington
- > Arizona

COURT ADMISSIONS

- > U.S. Court of Appeals, Ninth Circuit

EDUCATION

- > University of Washington, B.A., Political Science, French Language and Literature, 1987
- > Seattle University School of Law, J.D., *cum laude*, 1993

CURRENT ROLE

- > Partner, Hagens Berman Sobol Shapiro LLP
- > Practice focuses on antitrust, consumer, tax and securities class actions
- > Serves as plaintiffs' counsel in Hotel Occupancy Tax litigation against major online travel companies in various jurisdictions across the country
- > Active member of firm's Microsoft defense team negotiating claims administration policy and processing rules in twenty consumer and antitrust class-action state settlements around the country
- > Key role in working with claims administrators on all class settlements and class notice programs

RECENT SUCCESS

- > Worked on related litigation against Expedia on behalf of a nationwide class of consumers who purchased hotel reservations and paid excessive "taxes and fees" charges. That case resulted in summary judgment in plaintiffs' favor and an eventual settlement for cash and credits totaling \$134 million. Mr. O'Hara also played a leading role for the firm on the \$235 million settlement of *In re Charles Schwab Securities Litigation* and the \$1.6 billion settlement of *In re Toyota Motor Corp. Unintended Acceleration Marketing, Sales Practices and Products Liability Litigation*.
- > Mr. O'Hara deposed more than a dozen of Big Tobacco's expert witnesses, research scientists and marketing executives for the tobacco litigation, focusing predominantly on the state of Arizona case. Coordinated Arizona's national and local expert witnesses, while contributing to all aspects of discovery and motion practice. Mr. O'Hara played a leading role in the firm's successful defense of the state of Arizona against claims brought by several Arizona counties in the aftermath of the state's tobacco litigation.

RECOGNITION

- > Rising Star, Washington Law and Politics, 2003

EXPERIENCE

- > Crowell & Moring, Paralegal, 1988-1990
- > Cozen & O'Connor, Associate, 1993-1997

NOTABLE CASES

- > *Tobacco Litigation* (\$206 billion multi-state settlement)
- > *Expedia Litigation* (\$134 million settlement)
- > *Charles Schwab Yieldplus Funds Litigation* (\$235 million settlement)
- > *Toyota Unintended Acceleration Litigation* (\$1.6 billion settlement)
- > *Microsoft Antitrust Litigation*

LANGUAGES

- > French



PARTNER

Matthew F. Pawa

Mr. Pawa represented the state of New Hampshire against the nation's largest oil companies, which resulted in a \$236 million verdict against Exxon Mobil Corporation – the largest verdict in New Hampshire history.

CONTACT

1280 Centre Street
Suite 230
Newton Centre, MA 02459
(617) 641-9550 office
(617) 641-9551 fax
mattp@hbsslaw.com

YEARS OF EXPERIENCE

> 26

PRACTICE AREAS

> Environmental

BAR ADMISSIONS

> Massachusetts
> Vermont
> Pennsylvania
> District of Columbia

COURT ADMISSIONS

> Supreme Court of the United States
> First, Second, Third, Fourth, Fifth, Ninth and D.C. Circuit Courts of Appeals
> U.S. District Courts for the District of Washington D.C., District of Massachusetts, Eastern
> District of Pennsylvania, Southern District of New York and the District of Vermont

CLERKSHIPS

> Honorable Norma L. Shapiro, Eastern District of Pennsylvania, 1994-95

EDUCATION

> University of Pennsylvania Law School, J.D., cum laude, 1993 (associate editor, Law Review)
> Cornell University, B.S. with distinction, Natural Resources, 1987

CURRENT ROLE

> Partner, Hagens Berman Sobol Shapiro LLP
> Co-Chair of the firm's environmental practice

RECOGNITION

> 2013 Massachusetts Lawyer of the Year, in recognition of New Hampshire MTBE case
> 2011 American Lung Association Healthy Air Ambassador Award
> 2009 Certificate of Recognition for Best Papers, American Bar Association Section of Environment, Energy and Resources, 38th Annual Conference on Environmental Law
> 1993 Scribes Notes and Comments Award - national award for clarity, force and style in law review note or comment. Selected from among submissions by law reviews nationwide.
> 1993 University of Pennsylvania's Fred G. Leebron Prize for excellence in constitutional law writing.

EXPERIENCE

> Prior to joining Hagens Berman, Mr. Pawa was the president of Pawa Law Group P.C. where he was the founder and leader of the litigation firm specializing in major environmental cases. He handled jury trials, bench trials and argued appeals in state and federal courts in Massachusetts and across the nation, and collaborated with state attorneys general and non-profit clients on a major global warming case that went to the U.S. Supreme Court. Mr. Pawa forged the small law firm into a nationally known entity with a reputation for successfully litigating against some of the country's largest corporations.
> Attorney, Cohen, Milstein, Hausfeld & Toll PLLC., – Mr. Pawa litigated class action and individual antitrust, environmental and consumer cases.
> Attorney, Crowell & Moring LLP.– Litigated insurance coverage actions and drafted Supreme Court amicus brief on behalf of American Bar Association.
> Deputy State's Attorney, Chittenden County State's Attorney Office. Prosecuted felony and misdemeanor cases; successfully defended emergency appeal to Vermont Supreme Court on novel issue.

LEGAL ACTIVITIES

> Board of Trustees, Center for International Environmental Law
> American Bar Association
> Massachusetts Bar Association
> American Association for Justice
> Massachusetts Academy of Trial Attorneys
> Boston Bar Association
> Adjunct Professor of Law, Boston College Law School, Climate Change Law and Policy Seminar (2007)

PARTNER

Matthew F. Pawa

PRESENTATIONS

- › Keynote speaker, Boston College Law School's first annual Green Week (2010)
- › Keynote speaker, Public Interest Environmental Law Conference at the University of Oregon Law School (2009)

PUBLICATIONS

- › "This Town Ain't Big Enough for the Two of Us: Interstate Pollution and Federalism under *Milwaukee I* and *Milwaukee II*," American Bar Association Section of Environment, Energy and Resources, 38th Annual Conference on Environmental Law, Keystone, Colorado (March 2009) (presented paper)
- › "Saving Detroit - From Itself," *Boston Globe* Op Ed (Sunday lead opinion piece) (Nov. 17, 2008)
- › "Global Warming Litigation Heats Up," *Trial Magazine* (April, 2008 cover story)
- › "Global Warming: The Ultimate Public Nuisance," in *Creative Common Law Strategies for Protecting the Environment* (Clifford Rechtschaffen et al., eds., Environmental Law Institute 2007)
- › "Behind the Curve: The National Media's Reporting on Global Warming," 33 B.C. ENVTL. AFF. L. REV. 485 (2006) (with co-author Benjamin A. Krass)
- › "Global Warming as a Public Nuisance: Connecticut v. American Electric Power," 41 FORDHAM ENVTL. L. REV. 407 (2005) (with co-author Benjamin A. Krass)
- › "When the Supreme Court Restricts Constitutional Rights, Can Congress Save Us?," 141 U. PA. L. REV. 1029 (1993)

NOTABLE CASES

- › *State of New Hampshire v. Exxon Mobil Corp.*, 126 A.3d 266 (N.H. 2015) Upholding \$236 million jury verdict following three-month trial against petroleum company for polluting state's groundwater.
- › *Connecticut v. American Electric Power Co.*, 582 F.3d 309 (2d Cir. 2009) Reinstating global warming tort case filed by states and land trusts, rev'd on other grounds, 131 S. Ct. 2527 (2011)
- › *State v. Hess Corp.*, 161 N.H. 426 (2011) Holding that, under parens patriae doctrine, a state suing a polluter for groundwater contamination may recover as damages the cost of treating private well contamination.
- › *Alliance to Protect Nantucket Sound, Inc. v. Energy Facilities Siting Bd.*, 457 Mass. 663 (Mass. 2010) Upholding state environmental permits for Cape Wind.
- › *New Hampshire v. N. Atlantic Refining, Ltd.*, 999 A.2d 396 (N.H. 2010) Upholding personal jurisdiction over oil company in MTBE litigation.
- › *New Hampshire v. Hess Corp.*, 982 A.2d 388 (N.H. 2009) Affirming proper service of process on two oil company defendants in MTBE litigation.
- › *In re Inquest Proceedings*, 676 A.2d 790 (Vt. 1996) Rejecting claim of parent-child privilege and compelling parental testimony in rape case.

PERSONAL INSIGHT

Matt is a triathlete and also enjoys sailing, hiking, camping and river rafting.



PARTNER

Shana E. Scarlett

Northern California Super Lawyer, 2013 - 2019

CONTACT

715 Hearst Ave.
Suite 202
Berkeley, CA 94710

(510) 725-3000 office
(510) 725-3001 fax
shanas@hbsslaw.com

YEARS OF EXPERIENCE

> 18

PRACTICE AREAS

- > Antitrust Litigation
- > Consumer Protection
- > Securities Litigation

INDUSTRY EXPERIENCE

- > Technology Companies
- > Internet Companies
- > Agricultural Companies

BAR ADMISSIONS

- > California

COURT ADMISSIONS

- > U.S. District Courts for the Northern, Southern, Eastern and Central Districts of California
- > U.S. Court of Appeals, Second Circuit
- > U.S. Court of Appeals, Ninth Circuit
- > U.S. Court of Appeals, Federal Circuit

EDUCATION

- > Stanford Law School, J.D.
- > University of British Columbia, B.A.

CURRENT ROLE

- > Partner, Hagens Berman Sobol Shapiro LLP
- > Practice is devoted entirely to representing plaintiffs in complex litigation, and primarily in the areas of antitrust and unfair competition
- > One of the team of litigators representing indirect purchaser plaintiffs in the *In re Optical Disk Drive Antitrust Litigation*, alleging a price-fixing conspiracy to stabilize the prices of optical disk drives throughout the United States, in violation of federal and state antitrust laws
- > One of the team of co-lead counsel representing indirect purchaser plaintiffs in the *In re Lithium Ion Batteries Antitrust Litigation*
- > Represents a class of consumers in the *In re Electronic Books Antitrust Litigation*, pending in the Southern District of New York, where attorneys from Hagens Berman Sobol Shapiro have worked closely with numerous State Attorneys General in representing the rights of consumers

RECOGNITION

- > Lawdragon Leading Plaintiff Lawyer, 2020
- > Northern California Super Lawyer, 2013 - 2019
- > Rising Star Award for Northern California, Super Lawyers, 2009 - 2011

EXPERIENCE

- > Extensive experience representing shareholders in securities matters throughout the country
- > Represented investors against defendants in a variety of industries, such as pharmaceutical manufacturers, (*In re Impax Sec. Litig.*, *In re CV Therapeutics, Inc. Sec. Litig.*, *In re Alkermes Sec. Litig.*), Internet companies (including *In re Verisign, Inc.* and *In re Northpoint Communications Group, Inc. Sec. Litig.*) and other manufactured products (*Ryan v. Flowserve Corp.*)

LEGAL ACTIVITIES

- > Panelist, Procedural Steps and Pitfalls in Antitrust Class Actions, American Bar Association (May 2018)
- > Panelist, Class Actions – Cutting Edge Developments in Claim Administration, Northern District of California Judicial Conference (April 2018)
- > Panelist, Antitrust for HR: No-Poach and Wage Fixing Agreements, Bar Association of San Francisco (Jan. 2018)
- > Panelist, Class Certification – Making Sense of Class Certification Doctrine, Economics and Econometrics, American Antitrust Institute (Nov. 2017)
- > Panelist, Increased Class Participation in the Digital Age, Class Action Money & Ethics Conference (May 2017)
- > Member of the Women Antitrust Plaintiffs' Attorneys

NOTABLE CASES

- > *In re Optical Disk Drive Antitrust Litigation*, MDL No. 2143
- > *In re Electronic Books Antitrust Litigation*, MDL No. 2293
- > *Pecover v. Electronic Arts, Inc.*, MDL No. 2420

PERSONAL INSIGHT

Shana is Canadian and the daughter of the noted Canadian jurist, the Hon. Edward D. Scarlett. When not in the Berkeley office of Hagens Berman, Shana usually can be found in Canada with her four sisters, nine nieces and nephews.



PARTNER

Craig R. Spiegel

After helping obtain recent substantial settlements in cases against drug companies for deceptive marketing, Mr. Spiegel now helps in the firm's litigation efforts against auto manufacturers and others for illegal emissions of pollutants.

CONTACT

1301 Second Avenue
Suite 2000
Seattle, WA 98101

(206) 623-7292 office
(206) 268-9328 direct
(206) 623-0594 fax
craigs@hbsslaw.com

YEARS OF EXPERIENCE

> 40

PRACTICE AREAS

> Consumer Rights

BAR ADMISSIONS

> California State Bar
Association
> Illinois State Bar Association
> Washington State Bar
Association

EDUCATION

> Harvard Law School, J.D.,
cum laude, 1979
> St. Olaf College, B.A., *summa
cum laude*, 1975

CURRENT ROLE

- > Partner, Hagens Berman Sobol Shapiro LLP
- > Practice primarily focuses on class actions concerning unfair pricing of pharmaceutical drugs. Recent cases include actions against AstraZeneca and Merck.

NOTABLE CASES

- > Involved in the firm's antitrust class-action lawsuit against the NCAA accusing the sports-governing body of engaging in anti-competitive practices in regards to its scholarships or Grants in Aid (GIAs) program. In March of 2017, U.S. District Judge Claudia Wilken approved a sweeping \$209 million settlement for student-athletes, and in March of 2019, a trial on the injunctive aspect of the case resulted in a change of NCAA rules limiting the financial treatment of athletes.
- > Helped obtain a substantial settlement for the state of New York and New York City in their litigation against Merck for losses suffered from deceptive marketing of the prescription drug Vioxx
- > Instrumental in obtaining a settlement for a class of Massachusetts consumers and third-party payors in their litigation against AstraZeneca, in which the class claimed that AstraZeneca deceptively marketed the prescription drug Nexium as superior to Prilosec
- > Deeply involved in the firm's lawsuits on behalf of thalidomide victims, who suffered severe personal injuries when their mothers ingested thalidomide during their pregnancies in the late 1950s and early 1960s, without knowing that thalidomide had not been approved by the FDA

RECOGNITION

- > Honoree for Outstanding Antitrust Litigation Achievement in Private Law Practice, American Antitrust Institute, 2019



PARTNER

Ronnie Seidel Spiegel

Ms. Spiegel has played a key role in litigating some of the largest antitrust cases in history, working on all aspects of these cases from filing through trial.

CONTACT

1301 Second Avenue
Suite 2000
Seattle, WA 98101

(206) 623-7292 office
(206) 268-9343 direct
(206) 623-0594 fax
ronnie@hbsslaw.com

YEARS OF EXPERIENCE

> 21

PRACTICE AREAS

- > Antitrust Litigation
- > Securities Litigation

BAR ADMISSIONS

- > Washington
- > Pennsylvania

COURT ADMISSIONS

- > U.S. District Court, Eastern District of Pennsylvania
- > U.S. District Court, Western District of Washington
- > U.S. District Court, Eastern District of Michigan

EDUCATION

- > Temple University Beasley School of Law, J.D., Temple Law Review (Editorial Board), 1994
- > Boston University, B.A., International Relations, 1990

CURRENT ROLE

- > Partner, Hagens Berman Sobol Shapiro LLP
- > Extensive organizational, discovery, briefing and trial team experience in large antitrust price-fixing cases
- > Specializes in managing large-scale e-discovery
- > Deep experience with foreign discovery, translation issues, and translation objection process
- > Manager and coordinator of all-party, joint discovery effort in largest US antitrust case

PRIOR EXPERIENCE

- > Lead Antitrust Attorney and Manager of firm's North Carolina office, Spector Roseman Kodroff & Willis, Philadelphia, PA, Attorney, 1994-2000
- > Business Law Instructor, Central Piedmont Community College, Charlotte, NC, 2000-2001

RECOGNITION

- > The National Trial Lawyers: Top 100
- > Lawdragon 500 Leading Plaintiff Financial Lawyers – 2019 - 2020

NOTABLE CASES

- > *In re Polyether Polyols Antitrust Litigation (Urethanes)*
- > *In re Automotive Parts Antitrust Litigation*
- > *In re Cathode Ray Tube (CRT) Antitrust Litigation*
- > *In re TFT-LCD (Flat Panel) Antitrust Litigation*
- > *In re Containerboard Antitrust Litigation*
- > *In re DRAM Antitrust Litigation*
- > *In re SRAM Antitrust Litigation*
- > *In re Brand Name Prescription Drugs Antitrust Litigation*
- > *In re NASDAQ Market-Makers Antitrust Litigation*
- > *In re Vitamins Antitrust Litigation*
- > *In re High Fructose Corn Syrup Antitrust Litigation*
- > *In re Commercial Tissue Paper Antitrust Litigation*
- > *In re Flat Glass Antitrust Litigation*
- > *In re Linerboard Antitrust Litigation*
- > *In re Air Cargo Antitrust Litigation*
- > *In re Fasteners Antitrust Litigation*
- > *In re Korean Air Antitrust Litigation*
- > *In re OSB Antitrust Litigation*

RECOGNITION

- > Drafting Team, "Commentary on Rule 45 Subpoenas to Non-Parties, Second Edition," *The Sedona Conference Working Group Series*, January 2020.

PARTNER

Ronnie Seidel Spiegel

LEGAL ACTIVITIES

- › Member of the American Bar Association's Antitrust Section
- › Member of the Sedona Conference Working Group 1 Series, Brainstorming Group and Drafting Team on Rule 45 Commentary.
- › Mother Attorneys Mentoring Association of Seattle (former Board Member)

PERSONAL INSIGHT

When not working, Ms. Spiegel enjoys being a soccer mom cooking for family and friends, and exploring her adopted home state of Washington.



PARTNER

Shayne C. Stevenson

Since fighting against sweatshops and the exploitation of undocumented workers with the workers' rights organization he founded at Yale, Shayne has focused his legal career on prosecuting cases against individuals and businesses who victimize others by violence, deception and fraud.

CONTACT

1301 Second Avenue
Suite 2000
Seattle, WA 98101

(206) 623-7292 office
(206) 268-9340 direct
(206) 623-0594 fax
shaynes@hbsslaw.com

YEARS OF EXPERIENCE

> 19

PRACTICE AREAS

- > Whistleblower Law (False Claims Act, SEC, IRS, CFTC)
- > Appellate Litigation
- > Civil & Human Rights Litigation

BAR ADMISSIONS

- > Washington

CLERKSHIPS:

- > Honorable Betty B. Fletcher, Ninth Circuit Court of Appeals, 2001-02
- > Honorable Charles S. Haight, Jr., Southern District of New York, 2000-01

EDUCATION

- > Yale Law School, J.D., 2000
- > Gonzaga University, B.A., Philosophy and Political Science, Truman Scholar, *summa cum laude* (first-in-class), 1996

CURRENT ROLE

- > Partner, Hagens Berman Sobol Shapiro
- > Leads the firm's whistleblower practice and litigates select class-action cases
- > Litigates and argues both False Claims Act and class-action cases in federal district courts and on appeal at the courts of appeal nationwide
- > Experienced in successfully handling whistleblower cases against some of the world's largest financial companies, medical device and pharmaceutical companies, hospitals, mortgage companies and others
- > Represents dozens of whistleblowers under the Dodd-Frank whistleblower programs of the Securities and Exchange Commission (SEC) and the Commodity Futures Trading Commission (CFTC), including two of the most prominent whistleblowers under these programs, with cases in regional enforcement offices across the country
- > Currently represents several qui tam relators under the federal and various state False Claims Act laws, in both declined and intervened cases and many still under investigation. His False Claims Act practice includes, among other areas of focus, Medicare and Medicaid health care fraud, financial fraud, mortgage fraud, defense industry and other procurement fraud, education fraud, and grant-funding fraud.
- > Litigates class-action cases on behalf of veterans, consumers, workers and investors
- > Litigates select human rights and other public interest matters, including previous litigation against the Rio Tinto mining conglomerate that reached the Supreme Court in 2013 for war crimes on the island of Bougainville, in Papua New Guinea, and a current pending suit against SeaWorld
- > Previously a felony prosecutor who successfully tried several multi-week jury trials and argued several cases in trial and appellate courts

RECENT SUCCESS

- > Mr. Stevenson represents Dodd-Frank SEC whistleblower Haim Bodek in the recent SEC action against the New York Stock Exchange and affiliated exchanges for, among other things, their unlawful and undisclosed use of order types. In the Matter of New York Stock Exchange LLC, et al. (SEC order) (2018)
- > Mr. Stevenson helped represent a class of over 126,000 military servicemembers challenging Bank of America's alleged violations of the Servicemember Civil Relief Act, which requires financial institutions to limit the interest charged on loans to active duty servicemembers. In February of 2018, the Court granted final approval of a nationwide class settlement of nearly \$42 million for these military families. *Childress v. Bank of America Corp., et al.*, 15-cv-00231 (E.D.N.C.) (2018).

PARTNER

Shayne C. Stevenson

- › Mr. Stevenson represented the highly publicized anonymous Dodd-Frank CFTC whistleblower who single-handedly brought to authorities, through his proprietary analysis of market and trading data, the international market manipulator later identified as Navinder Sarao, whose market manipulation through spoofing contributed to the “Flash Crash.” Mr. Sarao was extradited and pled guilty in November of 2016. CFTC v. Nav Sarao Futures Ltd. 15-cv-3398 (N.D. Ill.) (civil); U.S. v. Sarao 15-cr-75 (N.D. Ill.) (criminal)
- › Mr. Stevenson also represented another high-profile Dodd-Frank SEC whistleblower, the algorithmic trader and market structure expert Haim Bodek, rewarded in 2017 for his single-handed identification of securities law violations by a major U.S. financial exchange. Mr. Bodek was twice featured on the front page of the Wall Street Journal for his efforts, which led to the largest SEC fine in history against a financial exchange. In the Matter of EDGA Exchange, Inc., et al. (SEC Order)
- › Mr. Stevenson handled both False Claims Act whistleblower cases against Bank of America that culminated in the historic \$1 billion settlement between the Department of Justice and Bank of America addressing mortgage fraud and whistleblower awards to both clients in unrelated litigation. First, whistleblower client Mr. Kyle Lagow (in U.S. ex rel. Lagow v. Countrywide Financial Corp.) (E.D.N.Y.) sparked a Department of Justice investigation of Countrywide and Bank of America’s fraudulent mortgage origination and appraisal practices. Second, whistleblower client Mr. Gregory Mackler (in U.S. ex rel. Mackler v. Bank of America) (E.D.N.Y.) helped the Department of Treasury recover several million dollars from Bank of America for allegedly violating its agreement with the Department to properly administer the Home Affordable Mortgage Program (HAMP) for struggling homeowners.

EXPERIENCE

- › King County Prosecuting Attorney’s Office, Felony Prosecutor
- › Law Clerk, Honorable Betty B. Fletcher, Ninth Circuit Court of Appeals, 2001-02
- › Law Clerk, Honorable Charles S. Haight, Jr., Southern District of New York, 2000-01
- › U.S. Attorney’s Office, District of Connecticut, Intern

PUBLICATIONS

- › Author, “The Honorable Betty B. Fletcher: A Tribute to a Legal Trailblazer,” Federal Bar Association, November 2012

PRESENTATIONS

- › Speaker: “Whistleblowers & Financial Fraud,” National Whistleblower Conference. San Francisco, CA. Jan. 22-23, 2018
- › Speaker: “Financial Fraud,” National Qui Tam Conference. Los Angeles, CA. Nov. 3-4, 2016
- › Speaker: “Representing Dodd-Frank Whistleblowers,” Taxpayers Against Fraud Education Fund, Annual Conference. Washington, D.C. Nov. 16, 2015.
- › Speaker: “Secrets from the Plaintiff’s Bar,” Hospital and Health Care Law Conference. Seattle, WA. Apr. 24, 2015.
- › Speaker: “False Claims in the Financial Sector,” False Claims and Qui Tam Enforcement Conference. New York, New York. Jan. 21-22, 2015.
- › Lecture: “Access to Civil Remedy,” Business, Social Responsibility, & Human Rights, University of Washington School of Law. Seattle, Washington. Nov. 4, 2014.
- › Speaker: “Enforcement of Financial Fraud,” False Claims Act: National Qui Tam Conference. San Francisco, California. Oct. 27-28, 2014.

PARTNER

Shayne C. Stevenson

- › Lecture: "Human Rights Law After Kiobel," University of Washington School of Law. Seattle, Washington. Nov. 12, 2013.
- › Speaker: "Financial Fraud Enforcement," False Claims Act: All Points of View, National Conference. San Francisco, California. Apr. 18-19, 2013.
- › Lecture: "Strategy after Kiobel and Bauman," International Human Rights Seminar, University of Washington School of Law. Seattle, Washington. Apr. 17, 2013.
- › Lecture: "Alien Tort Statute and Human Rights Litigation," University of Washington School of Law. Seattle, Washington. Nov. 13, 2012.
- › Speaker: "Protecting Whistleblowers, Protecting the Public," Whistleblowing: Law, Compliance, and the Public Interest. Government Accountability Project. Seattle University School of Law. Seattle, Washington. Mar. 23, 2012.

MEDIA INTERVIEWS

- › "CFTC Calls for Whistleblower Tips as Enforcement Evolves," Law360, Sept. 19, 2019 [view »](#)
- › "Pharma Co. Inks \$17.5m Deal to End FCA Kickback Suit," Law360, Apr. 30, 2019 [view »](#)
- › "Attorneys Reflect on Escobar's FCA Impact 2 Years Later," Law360, June 15, 2018 [view »](#)
- › "SeaWorld Visitors Ask 9th Cir. to Flip Whale Abuse Suit," Law360, Mar. 12, 2018. [view »](#)
- › "Dodd-Frank Whistleblowers Help Clean Up Our Markets," (Guest Column) ValueWalk, Feb. 6, 2018. [view »](#)
- › "Attorneys React to DOJ's New Memo on FCA Dismissals," Law360, Jan. 26, 2018. [view »](#)
- › "Limiting Whistleblower Rewards Weakens Program," Bloomberg Law, Nov. 2, 2017.

[Read more of Mr. Stevenson's media interviews »](#)

NOTABLE CASES

- › *In the Matter of Cargill, Inc.* (CFTC Order) (represented CFTC whistleblower in action against the largest private company in the United States)
- › *Childress v. Bank of America Corp., et al., Eastern District of North Carolina* (represented class of over 125,000 military servicemembers and secured nearly \$42 million settlement for violations of the SCRA) (2018)
- › *In the Matter of New York Stock Exchange, et al. (SEC Order)* (represents SEC whistleblower in action tying record fine against financial exchange) (2018)
- › *United States v. Sarao & CFTC v. Nav Sarao Futures Ltd., Northern District of Illinois*; (represented anonymous CFTC whistleblower in market manipulation prosecution)
- › *In the Matter of EDGA Exchange, Inc., et al.* (SEC Order) (represented SEC whistleblower in action culminating in largest fine against a U.S. exchange in history)
- › *U.S. ex rel. Lagow v. Bank of America, Eastern District of New York* (False Claims Act – FHA fraud)
- › *U.S. ex rel. Mackler v. Bank of America, Eastern District of New York* (False Claims Act – HAMP fraud)
- › *U.S. ex rel. Nowak v. Medtronic, Inc., District of Massachusetts* (False Claims Act – off-label marketing of medical devices)
- › *U.S. ex rel. Kite v. Besler Consulting, et al., District of New Jersey* (False Claims Act – Medicare "outlier" fraud)
- › *U.S. ex rel. Polansky v. Pfizer, Inc., Eastern District of New York* (False Claims Act – off-label marketing of Lipitor)
- › *Sarei v. Rio Tinto, Central District of California* (Alien Tort Statute – international human rights litigation)
- › *Tittle v. United States Postal Service, Western District of Washington* (Privacy Act – employee class action)
- › *Hutchinson v. British Airways PLC, Eastern District of New York* (Montreal Convention – consumer class action)



PARTNER

Andrew M. Volk

Worked extensively on consumer claims against Expedia resulting in the largest summary judgment award in Washington state history

CONTACT

1301 Second Avenue
Suite 2000
Seattle, WA 98101

(206) 268-9371 office
(206) 623-0594 fax
andrew@hbsslaw.com

YEARS OF EXPERIENCE

> 28

PRACTICE AREAS

- > Patent Litigation
- > Intellectual Property
- > ERISA Litigation
- > Hotel Tax Litigation

BAR ADMISSIONS

- > New York
- > Oregon
- > Washington

EDUCATION

- > Cornell Law School, J.D.,
cum laude, Articles Editor for
Cornell International Law
Review, 1991
- > Columbia University, B.A.,
English, 1986

CURRENT ROLE

- > Partner, Hagens Berman Sobol Shapiro LLP
- > Practice focuses on consumer litigation, including automobile defect litigation against General Motors and Kia
- > Worked on hotel tax collection cases against the major online travel companies (OTC). The firm achieved settlements on behalf of Brevard County, Florida, the village of Rosemont, Illinois and the city of Denver, Colorado.
- > Extensively involved in ERISA cases for breach of fiduciary duties, including settlements of claims on behalf of employees of Enron, Washington Mutual Bank, General Motors, the Montana Power Company and Sterling Savings Bank

RECENT SUCCESS

- > Worked on litigation against Expedia on behalf of a nationwide class of consumers who purchased hotel reservations and paid excessive "taxes and fees" charges. That case resulted in summary judgment in plaintiffs' favor and an eventual settlement for cash and credits totaling \$134 million.

EXPERIENCE

- > Mr. Volk was extensively involved in the tobacco litigation in the late 1990s.
- > Legal Writing and Research, University of Oregon School of Law, Instructor
- > Attorney, Legal Aid Society, New York City

NOTABLE CASES

- > *Expedia Litigation* (\$134 million settlement)
- > *Tobacco Litigation* on behalf of States (resolved in \$206 billion settlement)
- > *Enron ERISA Litigation* (\$265 million settlement)
- > *Washington Mutual Bank ERISA Litigation* (\$49 million settlement)
- > *General Motors ERISA Litigation* (\$37.5 million settlement)



PARTNER

Garth Wojtanowicz

Named a "Rising Star" by Super Lawyers Magazine in 2006, 2007, 2010

CONTACT

1301 Second Avenue
Suite 2000
Seattle, WA 98101

(206) 268-9326 office
(206) 623-0594 fax
garthw@hbsslaw.com

YEARS OF EXPERIENCE

> 19

PRACTICE AREAS

- > Consumer Protection
- > Securities Litigation
- > Unfair Competition

BAR ADMISSIONS

- > Washington
- > California

EDUCATION

- > University of Washington
School of Law, J.D., 2000
- > University of Washington, B.A.,
English, 1997

CURRENT ROLE

- > Partner, Hagens Berman Sobol Shapiro LLP
- > Practice focuses on consumer protection cases
- > Currently working on cases against Fresenius Medical Care, N.A. and DaVita, Inc., the first and second largest dialysis companies in the United States, relating to those companies' use of GranuFlo.>
Also working on a nationwide class action against medical waste disposal company Stericycle, Inc., challenging that company's pricing practices which resulted in hundreds of millions of dollars in over-charges to doctors' offices, dentist offices, hospitals and similar businesses

RECOGNITION

- > "Rising Star" by Super Lawyers Magazine in 2006, 2007 and 2010

EXPERIENCE

- > Member, Cornerstone Law Group, PLLC
- > Associate, Danielson Harrigan Leyh & Tollefson, LLP
- > Assistant City Attorney, Seattle City Attorney's Office, Civil Division

NOTABLE CASES

- > Toyota Sudden, Unintended Acceleration (SUA) class-action lawsuit on behalf of Toyota owners and lessees, which resulted in an historic settlement recovery valued at \$1.6 billion

PERSONAL INSIGHT

Mr. Wojtanowicz volunteers his time as a non-profit director for Girls Giving Back and the Blossoming Hill Montessori School and has worked as a volunteer attorney for the Northwest Immigrant Rights Project.



PARTNER

Jason A. Zweig

Mr. Zweig was a key member in the High Fructose Corn Syrup Antitrust Litigation which resulted in a \$531 million recovery—one of the largest antitrust and securities class actions in history.

CONTACT

455 North Cityfront Plaza Drive
Suite 2410
Chicago, IL 60611

(708) 628-4949 office
(708) 628-4950 fax
jasonz@hbsslaw.com

YEARS OF EXPERIENCE

> 21

PRACTICE AREAS

- > Complex Litigation
- > Securities Litigation
- > Antitrust Litigation
- > Consumer Protection

BAR ADMISSIONS

- > U.S. Department of Veterans Affairs
- > New York
- > U.S. District Courts for the Northern, Southern and Eastern Districts of New York
- > U.S. District Court for the Eastern District of Michigan
- > U.S. District Court for the Eastern District of Wisconsin
- > U.S. Court of Appeals
 - Second Circuit
 - Third Circuit

EDUCATION

- > Columbia Law School, J.D., Executive Editor for Columbia Journal of Environmental Law, 1998
- > Indiana University, B.S., 1995

CURRENT ROLE

- > Partner, Hagens Berman Sobol Shapiro LLP
- > Works at the firm's Chicago and New York offices
- > Possess broad-based experience in antitrust, consumer, products liability and securities, primarily in the context of class actions. Has practiced in federal district and appellate courts throughout the country, and has extensive experience in multi-district litigation
- > Experience representing large entities in opt-out litigation, as well as plaintiffs in class-action litigation
- > After receiving his legal education in New York City and spending the first 17 years of his career there, Mr. Zweig became primarily resident in the firm's Chicago office in 2015.
- > Mr. Zweig is well known for his pragmatism, as well as his collegiality and professionalism, a reputation he is proud of and which he strives to maintain at all times.

RECENT SUCCES

- > Key member for direct purchaser class plaintiffs in High Fructose Corn Syrup Antitrust Litigation, MDL No. 1087 (C.D. Ill.) which resulted in a \$531 million recovery
- > Key member for direct-purchaser class plaintiffs in In re Hydrogen Peroxide Antitrust Litigation in which more than \$97 million was recovered
- > Key member for direct-purchaser class plaintiffs in In re Air Cargo Shipping Antitrust Litigation 06-MD-1775 (E.D.N.Y.) in which over \$1 billion was recovered
- > Represented the City of Newark, New Jersey in Federal price-fixing antitrust litigation involving wastewater treatment chemical liquid aluminum sulfate
- > Led the firm's representation of merchants who opted out of the class in In re Payment Card Interchange Fee and Merchant Discount Litigation, MDL No. 1720 (E.D.N.Y.), including FedEx, American Airlines, Southwest Airlines, Alaska Airlines, JetBlue, British Airways, Hawaiian Airlines, Virgin America, The Minnesota Twins, DSW, Bloomin' Brands and Outrigger Hotels
- > Appointed co-lead counsel in New Jersey Tax Sales Certificates Antitrust Litigation, 12-CV-1893 (D.N.J.) an antitrust class action in which more than \$9.6 million was recovered, as well as discounts provided to class members to redeem tax liens
- > Represented direct-purchaser plaintiffs in In re Polyether Polyols Antitrust Litigation, MDL No. 1616 (D. Kan) in which nearly \$1 billion was recovered
- > Represented direct purchaser class plaintiffs In re NBR Antitrust Litigation, MDL No. 1684 (E.D. Pa.) in which \$34.3 million was recovered
- > Represented indirect-purchaser plaintiffs in In re Parking Heaters Antitrust Litigation, 15-MC-940 (E.D.N.Y.) in which nearly \$10 million was recovered

PARTNER

Jason A. Zweig

- › Represented direct purchaser class plaintiffs in In re Online DVD-Rental Antitrust Litigation, (N.D. Cal.)
- › Represented direct purchaser class plaintiffs in In re Ethylene Propylene Diene Monomer Antitrust Litigation, MDL No. 1542 (D. Conn.) in which nearly \$100 million was recovered for the class
- › Key member in In re Linens Antitrust Litigation, 03-7823 (S.D.N.Y.) in which over \$10 million was recovered for restaurants throughout the New York City area, as well as valuable coupons to class members. This is the only known case in which 100% coupons of all coupons were redeemed.
- › Represented direct-purchaser class plaintiffs in In re TFT-LCD Antitrust Litigation, MDL No. 1827 (N.D. Cal.) in which nearly \$500 million was recovered
- › Represented direct-purchaser plaintiffs in In re Plastics Additives Antitrust Litigation, 03-1898 (E.D. Pa.) in which \$46.8 million was recovered
- › Representing former employees in antitrust class-action involving stock lending pending in United States District for the Southern District of New York
- › Represented class plaintiffs in Merrill Lynch & Co., Inc. Research Reports Securities Litigation, 02-MD-1484 (S.D.N.Y.) in which over \$125 million was recovered
- › Represented aggrieved investors in Bernard Madoff's Ponzi scheme in class action against JP Morgan in which \$218 million was recovered
- › Represented class of investors in Merrill Lynch & Co., Inc. Securities, Derivative and ERISA Litigation, 07-9633 (S.D.N.Y.) in which \$475 million was recovered
- › Represented class of investors in Salomon Analyst Metromedia Litigation, 02-CV-7296 (S.D.N.Y.) in which \$35 million was recovered
- › Co-led the firm's representation of payphone owners who sued a large national telecommunications carrier over unpaid dial-around compensation

EXPERIENCE

- › Partner, Kaplan Fox & Kilsheimer LLP in New York, 2003-2010
- › Associate, Proskauer Rose LLP in New York where he practiced in all areas of civil and criminal litigation
- › Judicial intern to the Honorable Jed S. Rakoff, U.S. District Court Judge for the Southern District of New York

RECOGNITION

- › The Chicago Bar Association, Chair of the Class Action Committee
- › Federal Bar Association
- › The American Bar Association Sections of Litigation, Antitrust Law and International Law
- › The New York State Bar Association
- › The American Association for Justice and its Class Action Litigation Group
- › The Indiana University Student Foundation Board of Associates
- › Board of Trustees Am Shalom, Glencoe, Illinois

PARTNER

Jason A. Zweig

- › Advisory Board of the Cartel and Criminal Practice Committee of the ABA Section of Antitrust Law
- › Mr. Zweig was also previously involved in the following:
- › Member of the Jewish Board of Family and Children's Services, Children & Adolescents in Residence Divisional Board (2013-2015)
- › Co-Chair of the Young Lawyer's Division of the UJA Federation-New York
- › Poverty Task Force of the UJA Federation-New York
- › The Chicago Bar Association, Vice-Chair of the Class Action Committee
- › Chicago Bar Association Judicial Nominations Committee
- › Committee to Support the Antitrust Laws

LEGAL ACTIVITIES

- › The Chicago Bar Association, Vice-Chair of the Class Action Committee
- › Federal Bar Association
- › The American Bar Association Sections of Litigation, Antitrust Law and International Law
- › Advisory Board of the Cartel and Criminal Practice Committee of the ABA Section of Antitrust Law
- › The New York State Bar Association
- › The Indiana University Student Foundation Board of Associates
- › Former member of the Jewish Board of Family and Children's Services, Children & Adolescents in Residence Divisional Board
- › Former Co-Chair of the Young Lawyer's Division of the UJA Federation-New York

PUBLIC SERVICE

- › Mr. Zweig believes strongly in philanthropy and giving back to the communities in which he lives and works, and volunteers his time to public-interest and legal organizations.

RECOGNITION

- › Rising Star, New York Super Lawyers Magazine, 2011 & 2013

NOTABLE CASES

- › Currently appointed co-lead counsel in In re LIBOR-Based Financial Instruments Antitrust Litig., 11-MD-2262 (S.D.N.Y.), representing a class of derivative instrument purchasers who purchased from certain non-defendant financial institutions. Nearly \$22 million has been recovered to date.
- › Lead firm's efforts in In re Interest Rate Swaps Antitrust Litigation, 16-MD-2704 (S.D.N.Y.) representing class of investors who purchased interest rate swaps directly from defendants
- › Representing New Jersey municipalities in nationwide class-action litigation against artificial turf manufacturer for sales of defective artificial turf

PARTNER

Jason A. Zweig

- › Key member of firm team involved in In re Zantac (Ranitidine) Products Liability Litigation, MDL No. 2924 (S.D.FL.) in which it is alleged that the popular heartburn drug, Zantac, which has been withdrawn from the market, metabolizes into a highly carcinogenic compound. The firm currently represents aggrieved purchasers in a class action, as well as thousands of individuals who either developed cancer from their Zantac usage, or are at risk of developing cancer.
- › Currently appointed co-lead counsel in class-action against United of Omaha life insurance company for failing to provide notice required under California state law. Class-wide judgement of nearly \$3 million obtained.
- › Currently representing pro bono a former Navy serviceman in an appeal of his discharge status

PRESENTATIONS

- › American Bar Association, Class Action Institute, October 2017, Washington, D.C., Considerations regarding whether to opt-out of a class-action.
- › Chair of the Harris Martin Herbal Supplements Conference, May 2015, Minneapolis, Minnesota
- › "Class Actions in the Wake of AT&T v. Concepcion," Presentation to the New Jersey Association for Justice November 2011
- › "Class Action Settlements and Attorneys' Fees," Presentation to the Cleveland Metropolitan Bar Association, October 2008

PERSONAL INSIGHT

Outside of the office, Mr. Zweig engages in a daily practice of transcendental meditation to stay sharp and focused. Mr. Zweig also believes United States Veterans are underserved and underappreciated, and volunteers his time to assist U.S. veterans before the Department of Veterans Affairs or in other capacities.



SENIOR COUNSEL

Lucas E. Gilmore

Dedicated plaintiff attorney with more than a decade of experience prosecuting securities fraud, shareholder derivative, antitrust, and consumer class actions.

CONTACT

715 Hearst Ave.
Suite 202
Berkeley, CA 94710

(510) 725-3000 office
(510) 725-3001 fax
lucasg@hbsslaw.com

YEARS OF EXPERIENCE

> 9

PRACTICE AREAS

> Securities

BAR ADMISSIONS

> California

COURT ADMISSIONS

- > U.S. District Court for the Northern District of California
- > U.S. District Court for the Northern District of California (Bankruptcy Court)
- > U.S. District Court for the Central District of California
- > U.S. District Court for the Southern District of California
- > U.S. Court of Appeals, Ninth Circuit
- > U.S. Court of Appeals, Second Circuit

EDUCATION

- > University of California Hastings College of the Law, JD, 2007
- > Vanderbilt University, BA, *cum laude*, 2002

CURRENT ROLE

- > Associate, Hagens Berman Sobol Shapiro LLP

EXPERIENCE

- > Bernstein Litowitz Berger & Grossmann LLP, Senior Counsel
- > Steyer, Lowenthal, Boodrookas, Alvarez & Smith LLP, Associate

PUBLICATIONS

- > Co-Author, "The Fraud-on-the-Market Presumption Is Alive and Well," Association of Business Trial Lawyer, San Diego, ABTL Report, Fall 2014
- > Co-Author, "Who Can You Trust? The Failure of RMBS Trustees to Protect Investors," Bernstein Litowitz Berger & Grossmann LLP, The Advocate for Institutional Investors, Summer 2014

PRESENTATIONS

- > Moderator, "Corporate Heroism - The Whistleblower," Bernstein Litowitz Berger & Grossmann LLP, Real-Time Speaker Series, November 17, 2016
- > Moderator, "Corporate Disclosure of Climate Change and Sustainability Risks and Practices," Bernstein Litowitz Berger & Grossmann LLP, Real-Time Speaker Series, March 17, 2016



SENIOR COUNSEL

Kevin K. Green

Mr. Green is a career appellate lawyer. He has argued in multiple federal circuits, 10 different states and seven state supreme courts. He also works on critical motions and issues likely to go on appeal.

CONTACT

533 F Street
Suite 207
San Diego, CA 92101

(619) 929-3340 office
keving@hbsslaw.com

YEARS OF EXPERIENCE

> 24

PRACTICE AREAS

- > Appellate
- > Consumer Rights
- > Securities
- > Investor Fraud
- > Employment Litigation

BAR ADMISSIONS

- > California

COURT ADMISSIONS

- > U.S. Supreme Court
- > U.S. Courts of Appeals for the Second, Third, Seventh, Eighth, Ninth, Tenth and District of Columbia Circuits
- > U.S. District Courts for the Northern, Central, Eastern and Southern Districts of California

CLERKSHIPS

- > Supreme Court of Indiana (Hon. Theodore R. Boehm, Associate Justice)
- > U.S. District Court for the Southern District of California (Hon. Barry T. Moskowitz, Chief Judge 2012-19)

EDUCATION

- > Notre Dame Law School, J.D., 1995
- > University of California, Berkeley, B.A., with honors and distinction, 1989

CURRENT ROLE

- > Senior Counsel, Hagens Berman Sobol Shapiro LLP
- > Concentrates on appeals as well as consumer rights, securities and employment litigation
- > Certified Appellate Specialist, State Bar of California Board of Legal Specialization (since 2006)

LEGAL ACTIVITIES

- > Appellate Advisory Committee, Judicial Council of California (since 2013)
- > Co-Chair, CAOC Amicus Curiae Committee (since 2011)
- > California Lawyers Association, Committee on Appellate Courts (since 2019)
- > Magistrate Judge Merit Selection Panel, Southern District of California (2013-17)
- > Working Group, Access to Appellate Justice Program, San Diego County Bar Association (launched 2019)
- > Working Group, San Diego Appellate Inn of Court (launched 2016)
- > Working Group, Civil Appellate Self-Help Workshop (launched 2014)
- > California Lawyers Association, Committee on Administration of Justice (2016-19) (during State Bar transition)
- > Chair, Appellate Court Committee, San Diego County Bar Association (2010)
- > State Bar of California, Committee on Appellate Courts (2006-09)

RECOGNITION

- > Top 100 California Appellate Lawyers, American Society of Legal Advocates (since 2015)
- > Super Lawyer (since 2008)
- > Legal Aid Society of San Diego, Outstanding Service Award (2015)
- > Consumer Attorneys of California, Presidential Award of Merit (2013 & 2016)

NOTABLE DECISIONS

- > *Mayall v. USA Water Polo*, 909 F.3d 1055 (9th Cir. 2018) (viable claims alleged concerning duty to implement concussion and return-to-play protocols)
- > *Hernandez v. Restoration Hardware*, 4 Cal. 5th 260 (2018) (agreeing with CAOC as amicus curiae that unnamed class members must intervene for standing to appeal)
- > *Friedman v. AARP, Inc.*, 855 F.3d 1047 (9th Cir. 2017) (UCL claim stated that AARP unlawfully transacted insurance without license)

SENIOR COUNSEL

Kevin K. Green

- › *George v. Urban Settlement Serv.*, 833 F.3d 1242 (10th Cir. 2016) (reinstating RICO class complaint against Bank of America)
- › *Duran v. U.S. Bank*, 59 Cal. 4th 1 (2014) (CAOC amicus curiae addressing representative evidence in class actions)
- › *Wong v. Accretive Health*, 773 F.3d 859 (7th Cir. 2014) (upholding \$14 million securities settlement)
- › *Harris v. Superior Court*, 207 Cal. App. 4th 1225 (2012) (\$65 million resolution for employee class after reversal)
- › *Lynch v. Rawls*, 429 F. App'x 641 (9th Cir. 2011) (\$15 million derivative settlement after first Ninth Circuit reversal on presuit demand requirement)
- › *Kwikset Corp. v. Superior Court*, 51 Cal. 4th 310 (2011) (rejecting stringent interpretation of UCL standing prerequisites)
- › *Luther v. Countrywide Fin. Corp.*, 195 Cal. App. 4th 789 (2011) (Securities Act class actions permitted in state court, leading to \$500 million settlement)
- › *In re F5 Networks, Inc. Derivative Litig.*, 207 P.3d 433 (Wash. 2009) (Washington follows demand futility standard, not universal demand rule)
- › *Troyk v. Farmers Group*, 171 Cal. App. 4th 1305 (2009) (auto insurance policy violated disclosure statute; settled on appeal for \$100 million monetary relief)
- › *Smith v. Am. Family Mut. Ins. Co.*, 289 S.W.3d 675 (Mo. Ct. App. 2009) (reinstating \$17 million jury verdict for plaintiff class)
- › *Alaska Elec. Pension Fund v. Brown*, 941 A.2d 1011 (Del. 2007) (en banc) (intervening shareholders who show corporate benefit may seek attorney fees)
- › *Ritt v. Billy Blanks Enters.*, 870 N.E.2d 212 (Ohio Ct. App. 2007) (reversing on class certification, leading to \$40 million settlement)
- › *McKell v. Washington Mutual*, 142 Cal. App. 4th 1457 (2006) (reversing and holding federal lending regulations did not foreclose UCL claims)
- › *Lebrilla v. Farmers Group*, 119 Cal. App. 4th 1070 (2004) (reversing and ordering certification of California class; settled at trial for substantial class-wide relief)
- › *Lavie v. Procter & Gamble Co.*, 105 Cal. App. 4th 496 (2003) (seminal precedent on California's reasonable consumer standard)

PUBLICATIONS

- › *Amicus Curiae Update*, Forum (regular column for CAOC's periodical) (since 2012)
- › *Distinguishing Mayor McCheese from Hexadecimal Assembly Code for Madden Football: The Need to Correct the 9th Circuit's 'Nutty' Rule barring Expert Testimony in Software Copyright Cases* (Oct. 2017) (with David Nimmer and Peter S. Menell) (available at SSRN)
- › *Forfeiture at the Pleading Stage: Ask Permission First, Don't Apologize Later*, California Litigation (Vol. 28, No. 1, 2015) (with Rupa G. Singh) (Journal of State Bar Litigation Section)
- › *Closing the Appellate Justice Gap*, Los Angeles Daily Journal (Feb. 10, 2015)
- › *Appellate Review in California Class Actions*, California Litigation (Vol. 24, No. 2, 2011) (Journal of State Bar Litigation Section)
- › *A Tool for Mischief: Preemptive Defense Motions Under BCBG Overtime Cases to Reject Class Certification*, Forum (Vol. 39, No. 1, Jan./Feb. 2009) (with Kimberly A. Kralowec)

SENIOR COUNSEL

Kevin K. Green

- › *The Unfair Competition Law After Proposition 64: The California Supreme Court Speaks*, Competition (Vol. 15, No. 2, Fall/Winter 2006) (Journal of State Bar Antitrust & Unfair Competition Law Section)

PRESENTATIONS

- › Bridgeport Consumer Class Action Litigation Conference (Appellate Review of Issues in Class Actions, Jan. 2020)
- › CAOC Webinar (Evidence at Class Certification: The Evolving Appellate Landscape, June 2019)
- › San Diego County Bar Association (New Mandatory Disclosures Before Mediation, Jan. 2019)
- › Bridgeport Class Action Conference (Expert Evidence at Class Certification, Jan. 2019)
- › California Lawyers Association Webinar (New Mandatory Disclosures Before Mediation, Dec. 2018)
- › Bridgeport Class Action Conference (Consumer Protection Cases Predicated on Omissions, Jan. 2018)
- › State Bar Webinar (Material Omission Claims Under California's UCL, FAL and CLRA, Sept. 2017)
- › Bridgeport Consumer Litigation Conference (Material Omissions, Jan. 2017)
- › CAOC Webinar (Ninth Circuit Practice: Everything but the Brief, Nov. 2016)
- › Bridgeport Class Action Litigation Conference (Objectors, Sept. 2016)
- › CAOC Annual Convention (Class Action Update, Nov. 2014)
- › San Diego County Bar Association (Moderator, Pleasing the Court: Making Your Oral Argument Count, Oct. 2014)
- › State Bar of California Annual Meeting (Forfeiture: A Four-Letter Word in the Court of Appeal, Sept. 2014)
- › Consumer Attorneys of San Diego, Class Action Symposium (Appellate Perspective on Class Actions, May 2014)
- › State Bar of California Golden State Institute (California Supreme Court Panel, Oct. 2012)
- › State Bar of California Annual Meeting (Moderator, Preparing an Appellate Record, Sept. 2009)
- › CAOC Annual Convention (Employment Litigation Panel, Nov. 2008)

PERSONAL INSIGHT

Concerned a legal career meant taking life too seriously, Kevin spent several years after college blending work and travel. He taught English in Switzerland, toiled as a luggage porter in Australia and scaled a live volcano in Guatemala. He ran with the bulls at Pamplona before easing into a monastic life of appellate practice.



SENIOR COUNSEL

Anne F. Johnson

Ms. Johnson specializes in high-stakes, complex litigation challenging Big Pharma's schemes to block consumer access to less expensive generic drugs, as well as mass actions fighting corporate indifference and greed.

CONTACT

1301 Second Avenue
Suite 2000
Seattle, WA 98101

(206) 623-7292 office
(206) 623-0594 fax
annej@hbsslaw.com

YEARS OF EXPERIENCE

> 17

PRACTICE AREAS

- > Personal Injury
- > Antitrust
- > Consumer Protection

INDUSTRY EXPERIENCE

- > Pharmaceuticals
- > Automotive

BAR ADMISSIONS

- > New York
- > Texas

COURT ADMISSIONS

- > U.S. District Courts for the Southern and Eastern Districts of New York

EDUCATION

- > Brooklyn Law School, *cum laude*
- > James Madison University, *magna cum laude*

CURRENT ROLE

- > Senior Counsel, Hagens Berman Sobol Shapiro LLP

RECENT SUCCESS

- > Ms. Johnson was instrumental in achieving a \$200+ million aggregate settlement for her clients in General Motors LLC Ignition Switch Litigation.

EXPERIENCE

- > Prior to joining Hagens Berman, Ms. Johnson was a partner at a Texas litigation firm and an associate at two New York City plaintiffs' class-action firms.
- > Led the discovery, briefing and trial preparation teams on behalf of court-appointed co-lead counsel for the wrongful death and personal injury plaintiffs in *General Motors LLC Ignition Switch Litigation*, one of the largest product liability litigations in U.S. history.
- > Member of the trial team in the first pay-for-delay pharmaceutical antitrust case to go to trial after the U.S. Supreme Court's watershed decision in *FTC v. Actavis*.
- > Developed and filed multiple pharmaceutical antitrust cases challenging drug companies' schemes to prevent less expensive generic versions of brand name drugs from entering the market, including by using sham litigation, sham citizen petitions, pay-for-delay settlements and "product hopping."

ACTIVITIES

- > Fundraising volunteer for Annie's List, which helps to elect progressive women to office in Texas
- > Organized the American Constitution Society's Constitution in the Classroom program for New York City schools

RECOGNITION

- > Brooklyn Law Review

NOTABLE CASES

- > *General Motors LLC Ignition Switch Litigation*
- > *Solodyn Antitrust Litigation*
- > *Suboxone Antitrust Litigation*
- > *Nexium Antitrust Litigation*
- > *Provigil Antitrust Litigation*
- > *Tricor Antitrust Litigation*

PERSONAL INSIGHT

When she's not working, Anne is on her porch listening to records – rhythm and blues, country or rock 'n' roll – with her family and dogs.



OF COUNSEL

Gregory T. Arnold

Greg devotes his practice to pursuing remedies for those injured by antitrust violations, particularly within the pharmaceutical industry.

CONTACT

55 Cambridge Parkway
Suite 301
Cambridge, MA 02142

(617) 475-1954 office
(617) 482-3003 fax
grega@hbsslaw.com

YEARS OF EXPERIENCE

> 23

PRACTICE AREAS

- > Antitrust Litigation
- > Personal Injury Litigation

BAR ADMISSIONS

- > Massachusetts
- > U.S. District Court, District of Massachusetts
- > Court of Appeals, 2nd Circuit

EDUCATION

- > Fairfield University, B.S., Marketing, 1991
- > Villanova University School of Law, J.D., 1996 (served on Law Review)

CURRENT ROLE

- > Of Counsel, Hagens Berman Sobol Shapiro LLP
- > Practice focuses on prosecution of large-scale, nationwide class actions, primarily against the pharmaceutical industry
- > Works on behalf of large health care providers, seeking recoveries from tortfeasors associated with payments the providers make as a result of the harm they have caused
- > Directs Hagens Berman's work on numerous pending direct purchaser class-action cases, including In re Ranbaxy Generic Drug Application Antitrust Litigation, In re Actos Direct Purchaser Antitrust Litigation, In re Lipitor Antitrust Litigation, and In re Effexor XR Antitrust Litigation, as well as multiple actions brought on behalf of end payors, including Louisiana Health Service & Indemnity Comp., et al. v. Janssen Biotech, Inc., et al., and Staley, et al. v. Gilead Sciences, Inc. et al.,

RECENT SUCCESS

- > Part of a team that secured substantial recoveries on behalf of a class of direct purchasers in connection with wrongfully delayed entry of generic versions of various pharmaceutical drugs
- > Defeated motion to dismiss in case alleging misconduct on the part of a large Indian generic pharmaceutical manufacturer which caused delays in generic competition on multiple drugs with billions of dollars of annual sales

EXPERIENCE

- > Income Partner, Litigation Department for a large Boston-based law firm

NOTABLE CASES

- > **Bankruptcy-related litigation**
 - Lead efforts on behalf of three law firms protecting the interests of more than 25,000 claimants suffering from asbestos-related diseases to block a proposed plan of reorganization. During more than five years of litigation, Mr. Arnold succeeded in forcing numerous changes to the proposed plan, including the voting methodology, amount of contribution and distributions. He pursued several interlocutory appeals throughout the case and oversaw and managed all aspects of this complex litigation, culminating in a successful 20-day bench trial conducted in the bankruptcy court for the Southern District of New York, after which the court rejected the proposed bankruptcy plan, thereby securing a substantial benefit for the clients.
 - One of a team of lawyers representing the interests of the Ad Hoc Committee of Trade Creditors in the In re WorldCom matter, resulting in increasing our clients' recoveries by nearly 50 percent.

OF COUNSEL

Gregory Arnold

› Mass Torts/Class Actions

- Played pivotal role in representing the Commonwealth of Massachusetts in landmark litigation against the Tobacco Industry, including establishing personal jurisdiction in Massachusetts over the United Kingdom-based parent company to Brown & Williamson. This work product, as well as the resulting court decision, was relied upon by Attorneys General throughout the country in their cases against the tobacco Industry.
- Following the Commonwealth of Massachusetts' action, lead efforts in pursuing a nationwide class action on behalf of all persons injured as a result of the tobacco industry's misconduct.
- Successfully defended a class-action case brought against a major credit card issuer, obtaining a denial of class certification and dismissal of individual's claims.

› Complex Financial Litigation

- Successfully represented a group of more than 65 investors in offshore hedge funds, pursuing recoveries for more than \$600 million of invested capital lost due to fraudulent practices of hedge fund manager.

› General Commercial Litigation

- Represented former attorney whose malpractice insurer had refused defense and indemnity after an office worker embezzled millions of dollars in client funds. Following a five-week Superior Court trial, secured a verdict in favor of the client, holding the insurance company responsible for more than \$2 million in liability to the insured's former client. Successfully defended insurer's appeal of the trial court decision in the Appeals Court. Subsequently brought a case against the insurance company under Chapter 93a, resulting in a multimillion-dollar recovery for the client.
- Obtained a substantial recovery for a client whose intellectual property was wrongfully assigned to a third party. Achieved a pre-trial settlement with the assigning party while pursuing a bench trial in Middlesex Superior Court against the party using the software.
- Served as "first chair" in a complex, multi-week bench trial in federal court over breach of multimillion-dollar commercial contract concerning sale of radiology equipment, including prevailing on counterclaim seeking to impose multimillion-dollar liability.

› Patent Litigation

- Represented national and international clients on a full range of patent litigation issues, including trials.
- Successful litigator before the United States International Trade Commission, including obtaining favorable outcome for a client protecting their intellectual property rights against an infringer based in Sweden.

› Labor and Employment Litigation

- Defended client interests in a variety of matters, including those involving non-competition agreements, wrongful terminations, and harassment claims.
- Successfully represented companies enforcing non-compete agreements against former employees, as well as new employers/former employees in avoiding the terms of non-compete agreements.

OF COUNSEL

Gregory Arnold

- Handled trials before administrative bodies, including the U.S. Department of Labor, including defending a client against claims made under the Surface Transportation Assistance Act following the termination of an employee/truck driver.

› **Other Litigation**

- Represented client in an eminent domain trial, resulting in a jury award more than 10 times the Commonwealth's pro tanto offer.

PERSONAL INSIGHT

Greg is married with three children and lives in Mansfield, Mass. He played varsity ice hockey in college.

OF COUNSEL

Karl Barth

Key member on firm's securities fraud cases against companies such as Boeing, Einstein Noah Bagel Corp., Pepsi Puerto Rico Bottling Co., PriceCostco, Templeton Vietnam Opportunities Fund and Wall Data.

CONTACT

1301 Second Avenue
Suite 2000
Seattle, WA 98101

(206) 623-7292 office
(206) 623-0594 fax
karlb@hbsslw.com

YEARS OF EXPERIENCE

> 24

PRACTICE AREAS

> Securities Litigation
> Investor Rights

BAR ADMISSIONS

> Washington

EDUCATION

> Georgetown University Law Center, J.D.
> University of Virginia, B.S. Accounting, Certified Public Accountant

CURRENT ROLE

- > Of Counsel, Hagens Berman Sobol Shapiro LLP
- > Previously with the firm from 1994 through 2004 before he rejoined in 2010
- > Key member on firm's securities fraud cases against companies such as Boeing, Einstein Noah Bagel Corp., Identix, Midcom Communications, MidiSoft, Oppenheimer Delta Partners, Pepsi Puerto Rico Bottling Co., PriceCostco, Templeton Vietnam Opportunities Fund and Wall Data
- > Represents investors seeking to protect assets and recover investment losses from companies engaged in securities and accounting wrongdoing

EXPERIENCE

- > Certified Public Accountant
- > Certified Fraud Examiner
- > Certified in Financial Forensics
- > Consultant at a national financial consulting firm specializing in expert witness testimony on accounting and financial issues
- > Graduated from Georgetown University Law Center, and from the University of Virginia with a B.S. in Accounting



OF COUNSEL

Molly A. Booker

Ms. Booker has a depth of commercial litigation experience across a variety of industries including business litigation, financial services, trademark and business torts.

CONTACT

11 West Jefferson St.
Suite 1000
Phoenix, AZ 85003

602-840-5900 office
602-840-3012 fax
mollyb@hbsslaw.com

YEARS OF EXPERIENCE

> 12

BAR ADMISSIONS

> Arizona

COURT ADMISSIONS:

- > U.S. District Court, District of Arizona
- > U.S. Court of Appeals for the 9th Circuit

EDUCATION

- > University of Arizona, James E. Rogers College of Law, J.D., Tucson, Arizona, 2007
- > University of Southern California, B.A., *summa cum laude*, Phi Beta Kappa, Los Angeles, California, 2004

CURRENT ROLE

- > Of Counsel, Hagens Berman Sobol Shapiro LLP
- > Ms. Booker has worked on a variety of complex cases at Hagens Berman, most recently relating to her expertise in the area of representing families of dialysis patients in wrongful death cases, in which she has achieved monumental jury verdicts for her clients.

EXPERIENCE

- > Shareholder, Litigation Attorney, Ryley, Carlock & Applewhite, P.A., Phoenix, AZ, 2007 - 2016
- > Legal Intern, Federal Public Defender's Office Phoenix, Phoenix, AZ, Summer 2005

RECOGNITION

- > Selected to Super Lawyers 2018 - 2019, Rising Stars 2015 - 2017

NOTABLE CASES

- > Molly helped secure a combined \$383.5 million jury verdict in wrongful death cases against dialysis provider DaVita. She represented the families of three patients who suffered cardiac arrests and died after receiving dialysis treatments at DaVita clinics. Each of the three parties was awarded \$125 million in punitive damages from the jury, with compensatory damages ranging from \$1.5 million to \$5 million.

LEGAL ACTIVITIES

- > St. Mary's Food Bank Alliance, Advisory Board Member, Mission & Means Committee Member, 2014-Present
- > Arizona Asian American Bar Association, Member, 2009-Present
- > State Bar of Arizona Committee on Minorities and Women in the Law, Past Chair

PRESENTATIONS

- > "Current Legal Landscape," University of Arizona Law School Board of Visitors, Panelist, April 2014
- > "The Pen is Mightier than the Sword: Tips for Drafting and Enforcing Your Business Contracts," Better Business Bureau Accredited Business Seminar, August 2013
- > "Arbitration in Arizona and the Revised Uniform Arbitration Act," Better Business Bureau Accredited Business Seminar, June 2011
- > "How to Turn Your Summer Job Into a Full-Time Position," Arizona State University College of Law, Sponsored by the State Bar of Arizona Committee on Minorities and Women in the Law, April 2011
- > "Mechanics' and Materialmen's Liens: Understanding and Protecting Your Rights as a Contractor, Supplier, Property Owner, or Tenant," Better Business Bureau Legal Series Seminar, May 2009
- > "Lock It Up: Protecting Your Trade Secrets and Preventing Unfair Competition," Trade Secrets and Restrictive Covenants Seminar, September 2008

LANGUAGES

- > Spanish

PERSONAL INSIGHT

Molly enjoys athletic challenges and her favorite pastimes are soccer, cycling and running. Endurance is her forte, and with good fortune, because she is a mom to triplets. Molly also has a penchant for learning foreign languages. She is fluent in Spanish and lived in Madrid, Spain.



OF COUNSEL

Jeniphr A.E. Breckenridge

Ms. Breckenridge has practiced with the firm since its founding in 1993.

CONTACT

1301 Second Avenue
Suite 2000
Seattle, WA 98101

(206) 268-9325 office
(206) 623-0594 fax
jeniphr@hbsslaw.com

YEARS OF EXPERIENCE

>30

PRACTICE AREAS

- > Securities / Investor Fraud
- > Consumer Rights
- > Products Liability

INDUSTRY EXPERIENCE

- > Aeronautics
- > Pharmaceutical Fraud

COURT ADMISSIONS

- > Supreme Court of Washington
- > USDC, Western District of Washington
- > U.S. Court of Appeals, Third Circuit

EDUCATION

- > University of Maryland Law School, J.D., Notes and Comments Editor, Maryland Law Review
- > Georgetown University, B.A.

CURRENT ROLE

- > Of Counsel, Hagens Berman Sobol Shapiro LLP, where she has practiced since the firm's founding
- > Practice concentrates on class actions, including consumer, automobile defects, securities litigation fraud, and wage and hour claims

NOTABLE CASES

- > *Metropolitan Securities Litigation*
- > *Boeing Securities Litigation*
- > *Raytheon Securities Litigation*
- > *Average Wholesale Price Litigation*
- > *In re Pet Food Products Liability Litigation*
- > *Toyota Unintended Acceleration Litigation*
- > State Tobacco cases



OF COUNSEL

Mark S. Carlson

Mr. Carlson is an active member of the legal community frequently making presentations to legal forums and industry groups on intellectual property law.

CONTACT

1301 Second Avenue
Suite 2000
Seattle, WA 98101

(206) 268-9346 office
(206) 623-0594 fax
markc@hbsslaw.com

YEARS OF EXPERIENCE

> 32

PRACTICE AREAS

- > Patent Infringement
- > Trademark and Trade Dress Infringement
- > Trade Secret Misappropriation
- > Complex Litigation

BAR ADMISSIONS

- > Washington
- > U.S. District Court, Western District of Washington
- > U.S. Court of Appeals, Federal Circuit
- > Numerous other jurisdictions pro hac vice

EDUCATION

- > University of Puget Sound School of Law, J.D., *cum laude*, 1987
- > University of Washington, B.A., History, 1984

CURRENT ROLE

- > Of Counsel, Hagens Berman Sobol Shapiro LLP
- > Working in intellectual property since 1987, handling a full range of intellectual property litigation focused primarily on patent infringement disputes
- > Currently representing FlatWorld Interactives in patent infringement litigation against Apple, Samsung and LG involving touch screen gesture recognition technology in the iOS and Android operating systems, Thought Inc. against Oracle involving software application data persistence technology, and the University of Utah in patent infringement litigation regarding RNA interference therapies for genetic diseases
- > Active member of the legal community making presentations in legal forums and industry groups on intellectual property law
- > Active participant in the Seattle Intellectual Property Inn of Court and Washington State Patent Law Association

RECENT CASES

- > Twice litigated against AT&T on wireless handset, network and telematics patents
- > Twice litigated on behalf of The Nautilus Group in patent, trademark, false advertising and unfair competition cases involving the BowFlex exercise machine and other exercise equipment
- > Represented the owner of traddress rights to the Stanley Classic vacuum bottle in trade dress litigation against Thermos
- > Represented a software patent licensor in litigation against Microsoft over the scope of a license for relational database technology

EXPERIENCE

- > Dorsey & Whitney, Patent Litigation Group
- > Bogle & Gates, Intellectual Property Litigation Group

PUBLICATIONS/PRESENTATIONS

- > "The European Privacy Directive for Personal Data," American Electronics Association Newsline for the Washington State Council
- > "Recovery of Pure Economic Loss in Product Liability Actions: An Economic Comparison of Three Legal Rules," University of Puget Sound Law Review
- > "Patent Litigation and the Non-Practicing Entity," ITRI IP Executives Conference, University of Washington Foster School of Business, 2012

OF COUNSEL

Mark S. Carlson

- › “Vernor v. Autodesk, the Future, or Demise, of the First Sale and Essential Step Defenses in Copyright,” Seattle Intellectual Property Inn of Court, 2011
- › “What Are My Odds? A Disciplined Approach to Assessing Case Value and Litigation Risk,” Seattle Intellectual Property Inn of Court, 2010
- › “Medimmune v. Genentech: Consequences for Patent Licenses, Litigation and Settlements,” 2009
- › “E-Discovery and the New Federal Rules,” 2008
- › “Recent Developments in Pharmaceutical Patents,” 2008

LEGAL ACTIVITIES

- › Seattle Intellectual Property Inn of Court
- › Washington State Patent Law Association
- › American Intellectual Property Law Association

NOTABLE CASES

- › *Thought v. Oracle*
- › *FlatWorld v. Apple*; *v. Samsung*; *v. LG*
- › *University of Utah v. Max Planck Institute, et al.*
- › *Airbiquity v. AT&T, et al.*
- › *Timeline v. Microsoft*; *v. Oracle*; *v. Sagent*
- › *The Nautilus Group v. Icon Health and Fitness*



OF COUNSEL

Jeannie Evans

Successfully litigates multimillion- and multibillion-dollar antitrust and other complex fraud cases.

CONTACT

455 N. Cityfront Plaza Drive
Suite 2410
Chicago, IL 60611

(708) 628-4966 office
(708) 628-4950 fax
jeannie@hbsslaw.com

YEARS OF EXPERIENCE

> 23

PRACTICE AREAS

- > Antitrust Litigation
- > Investor Fraud
- > Securities

BAR ADMISSIONS

- > Illinois
- > California

CLERKSHIPS:

- > Hon. Alex Kozinski, U.S. Court of Appeals for the Ninth Circuit, summer 1997. Hon. Susan Illston, U.S. District Court for the Northern District of California, summer 2003

EDUCATION

- > Harvard Law School, J.D. **cum laude**, 1997
Executive Editor, Harvard Journal of Law and Public Policy; Federalist Society; Asia Law Society
- > Brigham Young University, B.A., Political Science, **summa cum laude**, Ezra Taft Benson Scholar; University Honors, 1994
Editor-in-Chief, Journal of International and Area Studies

CURRENT ROLE

- > Of Counsel, Hagens Berman Sobol Shapiro LLP
- > Represents plaintiffs in complex litigation, focusing on antitrust and financial fraud claims

EXPERIENCE

- > Jeannie has successfully represented both plaintiffs and defendants in multimillion- and multibillion-dollar disputes in state and federal courts across the country
- > Co-Founder and Managing Partner of Agrawal Evans LLP, a trial and appellate boutique firm based in Chicago
- > Kirkland & Ellis LLP (Chicago)
- > Wilson Sonsini Goodrich & Rosati (Palo Alto)

AWARDS & RECOGNITION

- > President, Harvard Law Society of Illinois, 2016-2017
- > Chicago Chapter Chair, J. Reuben Clark Law Society, 2016-2017
- > BYU Law School Board of Advisors, 2017
- > Best Lawyers, Women of Influence Nominee, 2017
- > Illinois Super Lawyer, 2016 - 2018

PRESENTATIONS

- > Basics of Accounting for Lawyers 2015, Practicing Law Institute (PLI)
- > Basics of Accounting for Lawyers 2014, Practicing Law Institute (PLI)
- > Preparing the Expert Witness for Deposition 2013, Pincus Professional Education

LANGUAGES

- > Cantonese (Chinese)
- > Mandarin (Chinese)

PERSONAL INSIGHT

Jeannie loves the outdoors — body surfing in the ocean, hiking in the mountains, running, or playing tennis with her husband and four children.



OF COUNSEL

Philip J. Graves

Mr. Graves brings to the firm more than 20 years of experience as a patent and intellectual property litigator, having represented companies in patent cases in many technical fields.

CONTACT

301 North Lake Ave., Suite 920
Pasadena, CA
91101

(213) 330-7147 office
(213) 330-7152 fax
phillipg@hbsslaw.com

YEARS OF EXPERIENCE

> 28

PRACTICE AREAS

> Intellectual Property

BAR ADMISSIONS

> U.S. Supreme Court
> Supreme Court of California
> U.S. Court of Appeals, Federal Circuit
> U.S. Court of Appeals, Ninth Circuit
> U.S. District Court, Central District of California
> U.S. District Court, Northern District of California
> U.S. District Court, Eastern District of California
> U.S. District Court, Southern District of California

EDUCATION

> Columbia University School of Law (J.D., 1990)
Harlan Fiske Stone Scholar
Writing and Research Editor,
Columbia Business Law Review
> University of Washington
(B.A., *cum laude*, 1987)
Phi Beta Kappa
Robert A. Dahl Award

CURRENT ROLE

> Of Counsel, Hagens Berman Sobol Shapiro, head of the firm's intellectual property practice
> Practice focuses on intellectual property, including cases involving trademark infringement, copyright infringement, unfair competition and misappropriation of trade secrets

EXPERIENCE

> Before joining Hagens Berman, Mr. Graves' practice focused on represented technology companies in patent cases involving network security, web-hosting, image capture, digital signature and encryption technologies, nano-scale manufacturing and biotech, among many other technical fields.

LEGAL ACTIVITIES

> State Bar of California
> Alaska Bar Association
> Los Angeles Intellectual Property Law Association
- 2015 Judges' Night, Chair
- 2011 Spring Seminar, Chair
> American Intellectual Property Law Association
> Federal Circuit Bar Association

AWARDS & RECOGNITION

> Pasadena Top Attorney, Pasadena Magazine (2016)
> 40 Angelenos to Know in Intellectual Property Law, Los Angeles Business Journal (2012)
> Southern California Super Lawyers®, Intellectual Property Litigation, Business Litigation (2004-2018)

PUBLICATIONS

> *Preparing to Defend a Section 337 Action: What District Court Litigators Need to Know*, Lead Author, New Matter (Fall 2014)
> *Intellectual Property: It's Not Just for Specialists Anymore*, Co-Presenter, Association of Corporate Counsel (Southern California Chapter), Long Beach, CA (June 19, 2014)
> *Section 337: Whether to Respond or Default*, Lead Author, Intellectual Property Today (June 9, 2014)

OF COUNSEL

Philip Graves

- › *U.S. Patent Litigation under Section 337*, Presenter, Shijingshan Scientific and Technological Services Alliance/Beijing Intellectual Property Office/Zhongguancun Scientific and Technological Park, Beijing, China (May 6, 2014)
- › *Double Exposure: Keeping Your Confidential Information Out of the Public Eye in the Wake of Apple v. Samsung*, Lead Author, ABA Landslide Magazine (May/June 2013 Issue)
- › *Potential Ramifications of Already v. Nike*, Lead Author, Law360 (September 6, 2012)
- › *U.S. Patent Litigation Involving Pharmaceutical Patents*, Co-Presenter, Taiwan Medical and Pharmaceutical Industry Technology and Development Center, Taipei, Taiwan (May 25, 2012)
- › *Developments in Trademark Law and the Internet: Domain Name Disputes, Banner Ads, Pop-Ups, and Related Issues*, Author, 2004 Intellectual Property Institute of the State Bar of California
- › *Damages in Copyright and Patent Infringement Actions*, Author, Intellectual Property Law Section of the Alaska Bar Association

NOTABLE CASES

- › **Stamps.com**, several patent infringement cases involving online postage generation and delivery, network security, digital signature and encryption technology. As lead trial counsel, obtained a jury verdict in Stamps.com's favor, avoiding over \$30 million in damages.
- › **Web.com Group**, patent infringement suits in Arizona and Texas concerning a variety of backend and client-facing content hosting and delivery functionalities, as well as several business litigation matters in California in which Mr. Graves obtained a dismissal of one suit on summary judgment and affirmance of another favorable judgment on appeal.
- › **Fotona d.d.**, a European manufacturer of medical lasers, in a patent infringement action involving dental laser surgery technology. Following a three day evidentiary hearing, Mr. Graves obtained a favorable resolution of the case and a full award of attorneys' fees for the client.
- › **Developer of motion capture technology**, breach of contract action involving rights in the technology. As lead trial counsel, obtained a verdict in favor of the client as well as an award of all of the client's attorneys' fees.
- › **Designer and importer of consumer electronics products**, represented in a patent infringement action venued in the International Trade Commission. The complainant dismissed its complaint on the eve of trial, following the filing of the parties' pretrial briefs and witness statements.
- › **Large publicly traded company**, in several patent infringement suits in California and Texas involving rapid prototyping technology.
- › **Technology development company**, represented in a patent infringement suit involving imaging systems used at tourist attractions and theme parks.
- › **Cosmetics company**, represented in consolidated suits alleging unfair competition and infringement of patents covering various prostaglandin analogs.

PERSONAL INSIGHT

Phil took a break from his judicial clerkship in 1991 to travel a war zone (Croatia, Serbia, Kosovo) and was chased down a mountainside by Kosovar rebels.

OF COUNSEL

Laura Hayes

Ms. Hayes is involved in class-action lawsuits against pharmaceutical companies and is committed to the vigorous prosecution of antitrust cases.

CONTACT

55 Cambridge Parkway
Suite 301
Cambridge, MA 02142

(617) 475-1977 office
(617) 482-3003 fax
lhayes@hbsslaw.com

YEARS OF EXPERIENCE

> 13

PRACTICE AREAS

- > Antitrust Litigation
- > Pharmaceutical Fraud

CLERKSHIPS

- > Connecticut Judicial Branch
- > Appellate Division of the Rhode Island Office of the Public Defender

BAR ADMISSIONS

- > Supreme Judicial Court of the Commonwealth of Massachusetts

COURT ADMISSIONS

- > U.S. District Court for the District of Massachusetts

EDUCATION

- > Boston University School of Law, J.D., 2007
- > Middlebury College School of Arabic
- > Boston University, B.S., magna cum laude

CURRENT ROLE

- > Of Counsel, Hagens Berman Sobol Shapiro LLP

RECENT CASES

- > In re Intuniv Antitrust
- > In re Effexor Antitrust
- > In re Loestrin 24 Fe Antitrust Litigation
- > In re Celebrex (Celecoxib) Antitrust Litigation

EXPERIENCE

- > Member of the team responsible for \$94 million settlement on behalf of direct purchaser class in In re Celebrex (Celecoxib) Antitrust Litigation, 2:13-cv-361, E.D. Va., ECF Nos. 64, 455, and the \$120 million settlement (motion for preliminary approval pending) in In re Loestrin 24 Fe Antitrust Litigation, 1:13-md-02472, D.R.I., ECF Nos. 10, 1050.
- > Prior to joining Hagens Berman, Laura was an associate at Gargiulo Rudnick LLP, where she litigated Medicaid and Medicare fraud cases. She also has years of work experience doing contract work on a variety of complex litigations.
- > Following law school, Laura was a clerk for the Connecticut Judicial Branch. In that role, she addressed novel pre-emption and spoliation of evidence questions.
- > She is a graduate of Boston University School of Law, where she acted as articles editor for the Journal of Science and Technology Law.
- > She received her Bachelor of Science degree from Boston University with a concentration in journalism.

PERSONAL INSIGHT

Laura spends her free time in fall and winter managing and training sprint sled dogs and getting them and her husband to races in the Northeast, Quebec and sometimes Europe. She runs the B team in four-dog sled classes. Laura also serves on the board of the United States Federation of Sled Dog Sports.



OF COUNSEL

John D. Jenkins

John has extensive experience in the government and private sector as a trial attorney and manager of complex investigations and prosecutions.

CONTACT

(714) 222-2333 office
johnj@hbsslaw.com

PRACTICE AREAS

- › Investor Fraud
- › Securities

EDUCATION

- › University of Southern California, B.A. and J.D.

CURRENT ROLE

- › Of Counsel, Hagens Berman Sobol Shapiro LLP
- › John Jenkins has considerable experience as a trial lawyer, corporate advisor, president of an internationally recognized investigative and security firm and expert in complex investigations and prosecutions.

EXPERIENCE

- › Former Deputy District Attorney in Orange County, California
- › Prior to joining Hagens Berman, Mr. Jenkins was a lawyer at Hill, Wynne, Troop & Meisinger. He also has more than 20 years of experience managing domestic and international investigations. He was previously the president of CoreFacts, before and after the sale of CoreFacts as the investigative consulting platform to what became CoreLogic, Inc. (NYSE: CLGX), a leading global risk mitigation and business solutions provider. Prior to CoreFacts, he was an executive at two leading global investigative consulting firms.

ACTIVITIES

- › Member, Board of Governors at the University of Southern California
- › Member, Board of Directors of Lear Capital

PERSONAL INSIGHT

In his spare time, John enjoys fishing with his son and watching his twin daughters compete as saber fencers.



OF COUNSEL

Wesley Kelman

Wes has worked for many years to protect the environment, including key early global warming cases, and on New Hampshire's \$236 million recovery against ExxonMobil in a groundwater contamination case.

CONTACT

1280 Centre Street
Suite 230
Newton Centre, MA 02459

(617) 641-9550 office
(617) 641-9551 fax
wes@hbsslaw.com

YEARS OF EXPERIENCE

> 18

PRACTICE AREAS

- > Commercial Litigation
- > Environmental Litigation
- > Mass Torts

BAR ADMISSIONS

- > Massachusetts
- > New York

COURT ADMISSIONS

- > U.S. District Court, Southern District of New York
- > U.S. District Court of Massachusetts

CLERKSHIPS:

- > Hon. Warren W. Matthews, Alaska Supreme Court, Anchorage, AK 2004-05
- > Hon. Jon O. Newman, U.S. Court of Appeals, Second Circuit, Hartford, CT 2000-2001

EDUCATION

- > Yale Law School, J.D., 2000, Yale Law Journal
- > University of Chicago, A.B., History, Phi Beta Kappa, 1993

CURRENT ROLE

- > Of Counsel, Hagens Berman Sobol Shapiro LLP

EXPERIENCE

- > Prior to joining Hagens Berman, Mr. Kelman practiced environmental law at Pawa Law Group where his clients included:
 - The states of New Hampshire and Vermont in statewide MTBE groundwater contamination claims against major oil companies
 - Trusts and an Alaskan native village in global warming claims
 - Citizen groups including administrative litigation over air pollution permits, including a challenge to a major new power plant
- > Mr. Kelman drafted papers submitted to state and federal appellate courts and helped other attorneys at Pawa Law Group try several cases to verdict.
- > Mr. Kelman also worked at the Environmental Protection Agency, Region 1, Boston, MA as enforcement counsel. He negotiated consent decrees under which private parties performed cleanups and brought enforcement actions against regulated parties. He was employee of the year for the Superfund section of the regional office, and won a "ROD of the Year" EPA national award for papers documenting EPA's clean-up decision for the Sudbury River in Massachusetts.
- > Cleary, Gottlieb, Steen & Hamilton, Associate. In the wake of Argentina's financial crisis of 2001, Mr. Kelman was part of a small group of lawyers defending the Republic of Argentina against claims by holders of Argentina's sovereign debt.

NOTABLE CASES

- > Wes has worked on key early global warming cases and on behalf of state attorneys general who have sued for damage to statewide groundwater supplies, including a \$236 million recovery against ExxonMobil for the state of New Hampshire.

PERSONAL INSIGHT

Wes loves to ride his bicycle and commutes on it through all four seasons.



OF COUNSEL

Michella A. Kras

State Bar of Arizona President's Volunteer Service Award, 2010

CONTACT

11 West Jefferson St.
Suite 1000
Phoenix, AZ 85003

(602) 224-2627 office
(602) 840-3012 fax
michellak@hbsslaw.com

YEARS OF EXPERIENCE

> 16

PRACTICE AREAS

- > Commercial Litigation
- > Complex Civil Litigation

BAR ADMISSIONS

- > Arizona
- > U.S. District Court for the District of Arizona

EDUCATION

- > Arizona State University College of Law, J.D., *magna cum laude*, 2003
- > Arizona State University, B.A., 1997

CURRENT ROLE

- > Of Counsel, Hagens Berman Sobol Shapiro LLP
- > Practice focuses on class actions and complex litigation
- > Extensive expertise in complex litigation in a variety of commercial contexts, including actions involving various contractual breaches, RICO violations, securities fraud, negligent and intentional torts, and federal and state employment law

RECOGNITION

- > State Bar of Arizona President's Volunteer Service Award, 2010
- > Rising Star, Southwest Super Lawyers, 2014

EXPERIENCE

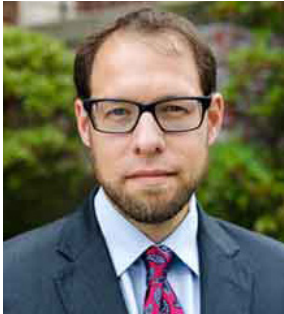
- > Member of the commercial and securities litigation group in the Phoenix office of an international law firm where she worked on complex litigation matters involving private securities offerings, private lending, asset purchase agreements, shareholder and member disputes, and federal and state wage and hour disputes
- > Associate, Steptoe & Johnson LLP, 2007-2013
- > Associate, Gammage & Burnham, work included civil litigation, employment law, election law, health care law and estate planning, 2004-2007
- > Judicial Law Clerk, Arizona Supreme Court, work consisted of a variety of appeals, including civil cases, criminal actions and attorney discipline, 2003-2004

LEGAL ACTIVITIES

- > Consistent commitment to pro bono work. She's worked on several pro bono matters, including obtaining Special Juvenile Immigrant Status for a teenager that was brought to the United States as a toddler and later abandoned by her parent
- > Volunteer and member of the steering committee for Wills for Heroes, an organization that provides free estate planning for Arizona's first responders

NOTABLE CASES

- > Successfully litigated and obtained summary judgment on multiple matters involving breach of contract, conversion, intentional interference and breach of fiduciary duty, even successfully piercing the corporate veil



OF COUNSEL

Benjamin A. Krass

Ben positions his clients to succeed by his experience bringing environmental cases for more than a decade, the close relationships he builds with his clients and his attention to every aspect of a client's case.

CONTACT

1280 Centre Street
Suite 230
Newton Centre, MA 02459

(617) 641-9550 office
(617) 641-9551 fax
benk@hbsslaw.com

YEARS OF EXPERIENCE

> 17

PRACTICE AREAS

- > Environmental Litigation
- > Products Liability

BAR ADMISSIONS

- > Massachusetts

COURT ADMISSIONS

- > U.S. District Court, District of Massachusetts
- > U.S. District Court, District of Vermont

EDUCATION

- > Boston College Law School, J.D., 2003
Honors: Managing Editor, Boston College Environmental Affairs Law Review; Boston College Environmental Law Society Certificate in Environmental and Land Use Law; Adjunct Lecturer, Environmental Law, Boston College Political Science Department (Spring 2003)
- > Universidad de Oviedo, 1999-2000, William J. Fulbright scholarship
- > Canisius College, B.A., *summa cum laude*, 1999

CURRENT ROLE

- > Of Counsel, Hagens Berman Sobol Shapiro LLP

EXPERIENCE

- > Prior to joining Hagens Berman, Mr. Krass was a Partner at Pawa Law Group where he gained extensive experience representing the states of New Hampshire, Rhode Island and Vermont in MTBE litigation.
- > Litigated nearly every aspect of the New Hampshire MTBE case for over a decade and participated in the three-month trial against ExxonMobil, including by handling the examination of expert and state witnesses.
- > Involved in all of his prior firm's other major environmental cases, including American Elec. Power Co. v. Connecticut, 131 S. Ct. 2527 (2011), Native Village of Kivalina v. ExxonMobil Corp., 696 F.3d 849 (9th Cir. 2012), and Green Mt. Chrysler Plymouth Dodge Jeep v. Crombie, 508 F. Supp. 2d 295 (D. Vt. 2007). Played a significant role in preparing evidence and cross examination in the multi-week Crombie trial.

RECENT SUCCESS

- > Represented the state of New Hampshire from 2003-2016 in litigation against major oil companies for statewide contamination of the state's waters with the chemical and gasoline additive MTBE
- > Helped obtain settlements of \$136 million from approximately a dozen defendants prior to or at the commencement of trial and participated in the three-month trial against ExxonMobil which resulted in a \$236 million jury verdict against ExxonMobil. The jury verdict was affirmed on appeal by the New Hampshire Supreme Court. New Hampshire v. Exxon Mobil Corp., 126 A.3d 266 (N.H. 2015), cert. denied, 136 S. Ct. 2009 (2016).

NOTABLE DECISIONS

- > State of New Hampshire v. Exxon Mobil Corp., 126 A.3d 266 (N.H. 2015) (upholding \$236 million jury verdict following three-month trial against petroleum company for polluting state's groundwater)
- > Connecticut v. American Electric Power Co., 582 F.3d 309 (2d Cir. 2009) (reinstating global warming tort case filed by states and land trusts), rev'd on other grounds, 131 S. Ct. 2527 (2011)
- > State v. Hess Corp., 161 N.H. 426 (2011) (holding that, under *parens patriae* doctrine, a state suing a polluter for groundwater contamination may recover as damages the cost of treating private well contamination)
- > New Hampshire v. N. Atlantic Refining, Ltd., 999 A.2d 396 (N.H. 2010) (upholding personal jurisdiction over oil company in MTBE litigation); New Hampshire v. Hess Corp., 982 A.2d 388 (N.H. 2009) (affirming proper service of process on two oil company defendants in MTBE litigation)

ACTIVITIES

- > President, Board of Directors, Transportation Children's Center (2016-2017)

OF COUNSEL

Benjamin A. Krass

PUBLICATIONS

- "Behind the Curve: The National Media's Reporting on Global Warming," 33 B.C. Env'tl. Aff. L. Rev. 485 (2006)
- "Global Warming As A Public Nuisance: Connecticut v. American Electric Power," 16 Fordham Env'tl. L. Rev. 407 (2005)
- "Comment: Combating Urban Sprawl in Massachusetts: Reforming the Zoning Act through Legal Challenges," 30 B.C. Env'tl. Aff. L. Rev. 605 (2003)

LANGUAGES

- Spanish

PERSONAL INSIGHT

Ben is a competitive runner and enjoys winter mountaineering, backpacking, gardening and spending time with his family.



OF COUNSEL

James J. Nicklaus

During his legal career, Mr. Nicklaus has represented clients in antitrust, securities fraud, product liability and patent litigation.

CONTACT

55 Cambridge Parkway
Suite 301
Cambridge, MA 02142

(617) 475-1973 office
(617) 482-3003 fax
jamesn@hbsslaw.com

BAR ADMISSIONS

› Massachusetts

COURT ADMISSIONS

› U.S. District Court for the
District of Massachusetts

EDUCATION

- › Harvard Law School, J.D.,
magna cum laude, 1993
Harvard Legal Aid Bureau,
Student Representative
on Committee on Clinical
Education
- › Harvard College, B.A.,
East Asian Languages and
Civilizations, cum laude, Phi
Beta Kappa, 1990

CURRENT ROLE

- › Of Counsel, Hagens Berman Sobol Shapiro LLP
- › Practice focuses on pharmaceutical antitrust litigation and investigations of potential violations of antitrust law by pharmaceutical companies

EXPERIENCE

- › Prior to joining Hagens Berman, Mr. Nicklaus worked for other firms in the Boston area, including representing clients in insurance coverage, product liability and lender liability litigation at Michienzie & Sawin LLC and representing clients in insurance coverage, patent, product liability, antitrust and securities fraud litigation at Willcox, Pirozzolo & McCarthy, P.C. Mr. Nicklaus began his legal career as an associate and junior partner at Hale and Dorr LLP (now WilmerHale).



OF COUNSEL

Jerrod C. Patterson

Served as federal prosecutor for over nine years, prosecuting tax cases, fraud, and other financial crimes. Extensive experience trying complex cases to verdict.

CONTACT

1301 Second Avenue
Suite 2000
Seattle, WA 98101

(206) 268-9378 office
(206) 623-0594 fax
jerrodp@hbsslaw.com

YEARS OF EXPERIENCE

> 18

PRACTICE AREAS

- > Antitrust Litigation
- > Racketeering
- > Automotive Litigation

BAR ADMISSIONS

- > Washington
- > New York
- > District of Columbia

CLERKSHIPS:

- > The Hon. Louis F. Oberdorfer, U.S. District Court for D.C.
- > U.S. Senate Judiciary Committee (Sen. Leahy) Washington, D.C.

EDUCATION

- > University of California, Berkeley School of Law (Boalt Hall), J.D., May 2002; top 15% of graduating class
- > Johns Hopkins University, School of Advanced International Studies (SAIS) M.A. in International Economics and International Relations, December 1997, Graduated with distinction (top 10%)
- > Brown University A.B. in International Relations, May 1995, *magna cum laude*

CURRENT ROLE

- > Of Counsel, Hagens Berman Sobol Shapiro LLP
- > Practice focuses on antitrust and other fraud cases, including Animation Workers Antitrust, Batteries Antitrust and Nespresso Antitrust
- > Mr. Patterson brings to the firm extensive trial experience and a history of prosecuting complex fraud cases, including tax fraud, bank fraud, wire fraud, money laundering and prescription fraud.

RECOGNITION

- > Organized Crime and Drug Enforcement Task Force “Best Financial Investigation in the Nation” – 2012
- > U.S. Attorney General “Outstanding Performance as a Special Assistant U.S. Attorney” – 2010
- > Assistant Attorney General “Outstanding Tax Division Attorney” – 2009
- > Assistant Attorney General “Outstanding Tax Division Attorney” – 2008

NOTABLE CASES

- > *In re Animation Workers Antitrust Litig.*, 14-cv-4062 LHK (N.D. Cal.): Class-action antitrust case against major animation studios for conspiring to fix wages of their animators
- > *In re Lithium Ion Batteries Antitrust Litig.*, 12-cv-5129 YGR (N.D. Cal.): Class-action antitrust case against large battery producers for conspiring to fix prices
- > *Nespresso v. Ethical Coffee Co.*, 16-cv-0194 GMS (D. Del.): Represents counterclaimants, alleging Nespresso monopolized the single-serve coffee capsule market through predatory redesigns of their coffee machines
- > *Melton v. Century Arms*, 16-cv-21008 FAM (S.D. Fla.): Class-action case against assault rifle manufacturer for selling rifles with a defective safety level, causing rifles to discharge without warning
- > As a federal prosecutor, led or co-chaired 11 federal jury trials, and 22 bench trials

EXPERIENCE

- > Prior to joining Hagens Berman, Mr. Patterson served as an Assistant United States Attorney at the U.S. Attorney’s Office in Seattle, WA.
 - Prosecuted complex fraud cases, including tax fraud, bank fraud, wire fraud, money laundering, and prescription fraud
 - Served as Project Safe Childhood Coordinator; led efforts to investigate and prosecute child pornography and child exploitation cases
 - Led prosecution of large-scale drug trafficking organizations, including cartels and street gangs, to interdict drug smuggling and investigate money laundering

OF COUNSEL

Jerrod C. Patterson

- Trial Attorney, U.S. Department of Justice Washington, D.C., Tax Division, Northern Criminal Enforcement Section
 - Co-chaired prosecution of two defendants, in separate trials, for scheme to defraud the Cleveland Catholic Diocese
- Special Assistant U.S. Attorney, U.S. Attorney's Office for D.C. Nov. 2006 - May 2007
 - Prosecuted 22 bench trials in Sex Offense/Domestic Violence Section
- Associate, Wilmer Cutler Pickering (WilmerHale)

PERSONAL INSIGHT

Although not a Washington state native, Mr. Patterson has quickly adopted Seattle as his hometown. In his spare time, he and his family enjoy the local wineries, lakes and hiking trails.



OF COUNSEL

Greer N. Shaw

Greer works hard for every client, large and small, with integrity and creativity.

CONTACT

301 North Lake Ave.
Suite 920
Pasadena, CA 91101

(213) 330-7145 office
(213) 330-7152 fax
greers@hbsslaw.com

YEARS OF EXPERIENCE

> 22

PRACTICE AREAS

- > Appeals
- > Complex Commercial
- > Intellectual Property
- > Patent Litigation
- > Trademark and Trade Dress Infringement
- > Trade Secret Misappropriation

BAR ADMISSIONS

- > California
- > Arizona
- > Massachusetts

COURT ADMISSIONS

- > U.S. Court of Appeals, Federal Circuit
- > U.S. Court of Appeals, Ninth and First Circuits
- > U.S. District Court, Central, Northern, Eastern and Southern Districts of California
- > U.S. District Court, Districts of Arizona, Massachusetts, Nebraska and E.D. of Texas

CLERKSHIPS:

- > Honorable Bailey Aldrich, U.S. Court of Appeals, First Circuit

EDUCATION

- > Boston University School of Law, J.D., *magna cum laude*; Managing Editor, Boston University Law Review
- > University of California, Berkeley, B.A.

CURRENT ROLE

- > Of Counsel, Hagens Berman Sobol Shapiro LLP

RECOGNITION

- > Southern California Super Lawyers®, Intellectual Property Litigation, 2014-2016; 2019

EXPERIENCE

- > Snell & Wilmer LLP, 2011-2015
- > Graves & Shaw LLP, 2009-2011
- > Kirkland & Ellis LLP, 2004-2009
- > Goodwin Procter LLP, 1998-2003
- > U.S. Court of Appeals, First Circuit, 1997-1998

LEGAL ACTIVITIES

- > Intellectual Property Owners Association; Litigation Committee (2014-2015)
- > Los Angeles Intellectual Property Law Association; Board of Directors (2012-2015)
- > USC Intellectual Property Institute; 2015 Planning Committee
- > The Judge Paul R. Michel Intellectual Property American Inn of Court; Reporter (2008-2009), Team Captain (2009, 2012); Program Chair (2012-2014)
- > American Intellectual Property Law Association

PRESENTATIONS

- > "Nautilus, Ariad, and Beyond; The Current State of § 112's Definiteness, Enablement, and Written Description Requirements in Litigation and Prosecution," Co-Presenter, Webinar produced by the State Bar of California, Patent Interest Group (March 18, 2015)
- > "LAIPLA Goes to Court - Settlement of IP Disputes," Moderator (with Hon. George Wu, Hon. Gary Feess (Ret.) and Hon. Suzanne Segal, U.S. District Court, Central District of California), presented by the Los Angeles Intellectual Property Law Association (January 13, 2015)
- > "Careers in Intellectual Property and Entertainment Law," Panelist, sponsored by the Los Angeles Intellectual Property Law Association and Pepperdine University School of Law (October 1, 2014)
- > "Intellectual Property: It's Not Just for Specialists Anymore," Co-Presenter, Association of Corporate Counsel (Southern California Chapter), Long Beach, CA (June 19, 2014)

OF COUNSEL

Greer Shaw

- › “Hot Topics for In-House Patent Practitioners,” Moderator, “Washington in the West 2014” conference, presented by Los Angeles Intellectual Property Law Association (January 24, 2014)
- › “Hot Topics and Notable Developments in IP Law,” Co-Presenter, Association of Corporate Counsel (Mountain West Chapter), Salt Lake City, UT (June 28, 2013)
- › “Design Patent Infringement 2013,” Co-Presenter, Webinar produced by The Knowledge Group, LLC (January 29, 2013)
- › “Litigating Patents in the Central District: Local Practices and the Patent Pilot Program from the Practitioner’s Perspective,” Moderator, Litigation Roundtable, Los Angeles Intellectual Property Law Association, Los Angeles, CA (May 30, 2012)
- › “U.S. Patent Litigation Involving Pharmaceutical Patents,” Co-Presenter, Taiwan Medical and Pharmaceutical Industry Technology and Development Center, Taipei, Taiwan (May 25, 2012)
- › “Washington in the West Conference,” Chairperson, sponsored by Los Angeles Intellectual Property Law Association (February 14, 2012)
- › “Dual Actor Infringement: Drafting and Enforcing Telecommunication and Computer Science Claims Following BMC, Muniauction, SiRF and Akamai,” Panelist, Los Angeles Intellectual Property Law Association, 2011 Spring Seminar (June 4, 2011)
- › “IP Law – Where Do I Fit In?,” Panelist, Sponsored by The Palmer Center, the Los Angeles Intellectual Property Law Association, and the Pepperdine University Career Development Office (October 28, 2008)
- › “Patents & The Supreme Court,” Moderator, Panel presentation of the 10th Annual “Washington in the West” Conference presented by the Los Angeles Intellectual Property Law Association (January 31, 2007)
- › “Recent Developments In False Designation of Origin and Willful Patent Infringement,” Panelist, Fifth Annual Technology Law Conference, Pepperdine University School of Law, Sponsored by the Association of Corporate Counsel (June 25, 2004)

PERSONAL INSIGHT

When he is not helping clients who have been ripped off or wrongly accused, Greer enjoys scaling mountains, exploring canyons, and rappelling down waterfalls with the Altadena Mountain Rescue Team of the Los Angeles County Sheriff’s Department.



OF COUNSEL

Nick Styant-Browne

Served as lead counsel in the trial against Australia's major newspaper publishers, including "News," which resulted in the deregulation of the system of distribution of newspapers and magazines throughout Australia.

CONTACT

1301 Second Avenue
Suite 2000
Seattle, WA 98101

(206) 268-9373 office
(206) 623-0594 fax
nick@hbsslaw.com

YEARS OF EXPERIENCE

> 27

PRACTICE AREAS

- > Human Rights
- > Environmental Protection
- > Consumer Rights

BAR ADMISSIONS

- > Washington State Bar Association
- > Australian State Bars including Victoria, NSW, and WA
- > Supreme Court of Papua New Guinea

EDUCATION

- > University of Melbourne

CURRENT ROLE

- > Of Counsel, Hagens Berman Sobol Shapiro LLP
- > Practiced class-action and multi-plaintiff litigation since 2001
- > Current projects include Rio Tinto Litigation for human rights and environmental abuses at the Panguna mine on the Pacific island of Bougainville
- > Has been lead counsel in both bench and jury class action trials in Federal Court

EXPERIENCE

- > Senior partner (one of five) at Australia's largest plaintiff law firm working on class actions, environmental litigation and antitrust litigation

LEGAL ACTIVITIES

- > Past elected member, Council of Greenpeace, Australia

NOTABLE CASES

- > Served as co-counsel on Australia's then-largest class action against a wholly owned subsidiary of Exxon, arising out of a gas plant explosion which shut down the gas supply to Melbourne and most of the State of Victoria for 10 days
- > *Rio Tinto Litigation*
Mr. Styant-Browne's practice has involved several projects in the Pacific Rim, acting principally on behalf of the indigenous peoples of poor developing Pacific nations claiming environmental and human rights abuses. His successes and passion for the causes of indigenous peoples have led to him being retained by the national governments of Pacific States including Tuvalu and the Kingdom of Tonga
- > *BHP Environmental Litigation*
Mr. Styant-Browne's meticulous outlining of the environmental devastation caused by the Ok Tedi mine in Papua New Guinea helped force mining companies adopt stricter environmental standards in developing countries
- > *Toyota Unintended Acceleration Litigation*
- > *Thalidomide Drug Litigation*



OF COUNSEL

Hannah Schwarzdchild

Hannah has litigated cases involving employee and consumer rights, and now focuses on antitrust claims in the pharmaceutical industry.

CONTACT

55 Cambridge Parkway
Suite 301
Cambridge, MA 02142

(617) 475-1966 office
(617) 482-3003 fax
hannahs@hbsslaw.com

YEARS OF EXPERIENCE

> 31

BAR ADMISSIONS

- > State of California (inactive)
- > State of Pennsylvania

PRACTICE AREAS

- > Antitrust Litigation
- > Consumer Rights

COURT ADMISSIONS

- U.S. District Court for the Northern District of California
- > Ninth Circuit Court of Appeals
- > U.S. District Court for the Eastern District of Pennsylvania
- > Third Circuit Court of Appeals

EDUCATION

- > University of California, Berkeley, Boalt Hall School of Law, J.D., 1989
AmJur Award, 1988; Best Brief Award, Moot Court Competition, 1987
- > University of California, Berkeley, A.B., History, Phi Beta Kappa, 1986

CURRENT ROLE

- > Of Counsel, Hagens Berman Sobol Shapiro LLP
- > Practice focuses on consumer and antitrust litigation

EXPERIENCE

- > Prior to joining Hagens Berman, Ms. Schwarzschild coordinated large-scale litigation projects in Boston and Philadelphia. Over the past 25 years, she has litigated employment and consumer rights cases in federal and state courts and administrative agencies, including jury and bench trials and appeals.

PUBLICATIONS

- > Same-Sex Marriage and Constitutional Privacy, Berkeley Women's Law Journal, 1989.

PERSONAL INSIGHT

Hannah grew up in and around New York City. Before law school, she helped build a community arts facility in San Francisco's Mission District in the 1980s and worked on nuclear arms control at the Ploughshares Fund. Hannah has been working for LGBT rights and Middle East peace and justice for more than 20 years. These days, her best times are spent biking around Cambridge and Cape Cod with her partner and teenage stepdaughter in search of interesting food, art, wildlife and humans.



OF COUNSEL

Nathaniel A. Tarnor

Mr. Tarnor has litigated a wide variety of legal matters and takes pride in pursuing justice on behalf of his clients for as long as it takes to win.

CONTACT

555 Fifth Avenue
Suite 1700
New York, NY 10017

212-752-5455 office
212-210-3980 fax
nathant@hbsslaw.com

YEARS OF EXPERIENCE

> 15

BAR ADMISSIONS

- > State of Illinois
- > State of New York
- > District of Columbia

PRACTICE AREAS

- > Antitrust Litigation
- > Anti-Terrorism
- > Consumer Rights
- > Investor Fraud
- > Whistleblower Litigation

COURT ADMISSIONS

- > U.S. Supreme Court
- > U.S. Courts of Appeals for the 2nd and 7th Circuits, and for the District of Columbia
- > U.S. District Court for the District of Columbia
- > U.S. District Courts for the Northern & Central Districts of Illinois
- > U.S. District Court for the Eastern & Southern District of New York

EDUCATION

- > Chicago-Kent College of Law, J.D., CALI Award, 2004
- > University of Illinois, B.A., Phi Beta Kappa, *summa cum laude*, Milton Ravoche Award, 2000

CURRENT ROLE

- > Of Counsel, Hagens Berman Sobol Shapiro LLP
- > Represents American terrorism victims against Chiquita Brands International for violations of U.S. anti-terrorism laws in Columbia
- > Practice concentrates on complex federal litigation

EXPERIENCE

- > Milberg LLP, New York, NY, 2009-2016
- > Practice areas include antitrust, class actions, consumer protection, contractual disputes, securities and whistleblower representation in conjunction with the U.S. Department of Justice and the U.S. Securities & Exchange Commission
- > Pro Bono: Represented families of American terrorism and torture victims before the U.S. Supreme Court and Second Circuit.
- > Previously provided legal assistance to human rights victims from around the world in conjunction with other prominent law firms.

RECOGNITION

- > Chicago-Kent International Law Moot Court Honor Society, 2002-2004
- > Captain, Chicago-Kent International Law Moot Court Team, 2002-2004
- > Highest Oralist Score 2003 Philip C. Jessup International Law Moot Court Regional Competition Chicago-Kent Moot Court Team
- > CALI Award Commercial Payment Systems Law

PERSONAL INSIGHT

Nathaniel enjoys competing in endurance sports and hiking with his family.



ASSOCIATE

Tory Beardsley

Ms. Beardsley has experience in prosecuting a variety of cases, including wrongful death, medical malpractice, negligence, fraud, consumer protection, data breach and bad faith insurance cases.

CONTACT

11 West Jefferson St.
Suite 1000
Phoenix, AZ 85003

(602) 224-2642 office
(602) 840-3012 fax
toryb@hbsslaw.com

YEARS OF EXPERIENCE

> 5

PRACTICE AREAS

> Consumer Rights

INDUSTRY EXPERIENCE

> Consumer Fraud
> Medical Negligence

BAR ADMISSIONS

> Arizona

COURT ADMISSIONS

> U.S. District Court for the
District of Arizona
> U.S. District Court for the
District of Colorado

EDUCATION

> Arizona State University
Sandra Day O'Connor College
of Law, J.D.
> University of Arizona, B.A.,
Journalism & English
Literature

CURRENT ROLE

> Associate, Hagens Berman Sobol Shapiro LLP
> Ms. Beardsley has experience prosecuting wrongful death, medical malpractice, negligence, negligence per se, intentional and negligent infliction of emotional distress, unjust enrichment, fraud, consumer protection, data breach and bad faith insurance cases.

RECENT CASES

> Member of the trial team representing the families of three patients who died after receiving dialysis at DaVita clinics. The case culminated with a \$383.5 million jury verdict.
> Ms. Beardsley has also aided in prosecuting data breach cases litigated by the firm in Arizona.

RECENT SUCCESS

> In June 2018, Ms. Beardsley was on the trial team where a Denver jury awarded a monumental \$383.5 million jury verdict against GranuFlo dialysis provider, DaVita Inc. culminating lawsuits brought by families of three patients who suffered cardiac arrests and died after receiving dialysis treatments at DaVita clinics. Each of the three parties was awarded \$125 million in punitive damages from the jury, with compensatory damages ranging from \$1.5 million to \$5 million.

EXPERIENCE

> Prior to beginning her litigation career at Hagens Berman, Ms. Beardsley specialized in land use and development with other firms in the Phoenix area, working closely with the local municipalities and politicians to gain approval on proposed developments and ensure developments compliance with city code and zoning ordinance.

ACTIVITIES

> Chair - Herberger Young Leadership Board; Member

PERSONAL INSIGHT

When she's not dedicating her time to the law, Tory enjoys staying active in a variety of ways. You can find her swimming, hiking, trail running or on her road bike. Tory is also active at Phoenix's Herberger Theater Center as chair of the Young Leadership Board, an auxiliary board tasked with fundraising and cultivating the next generation of theater patrons.



ASSOCIATE

Hannah Brennan

Hannah is committed to improving access to medicines – both domestically and abroad – and has experience in drug pricing, patent and international right to health litigation.

CONTACT

55 Cambridge Parkway
Suite 301
Cambridge, MA 02142

(617) 475-1950 office
(617) 482-3003 fax
hannahb@hbsslaw.com

YEARS OF EXPERIENCE

> 6

PRACTICE AREAS

- > Antitrust Litigation
- > Civil & Human Rights Litigation
- > Consumer Rights
- > Medical Devices
- > Pharmaceutical Fraud
- > RICO

INDUSTRY EXPERIENCE

- > Drug Pricing
- > Patent
- > International Right to Health Litigation
- > International Trade Agreements

BAR ADMISSIONS

- > Massachusetts

COURT ADMISSIONS

- > Third Circuit

CLERKSHIPS

- > Honorable Timothy B. Dyk of the United States Court of Appeals for the Federal Circuit
- > Honorable Theodore McKee, Former Chief Judge of United States Court of Appeals for the Third Circuit

CURRENT ROLE

- > Associate, Hagens Berman Sobol Shapiro LLP
- > Practice focuses on drug pricing, consumer access to medications, healthcare fraud, antitrust and patent fraud
- > Member of the HBSS team representing a proposed class of insulin consumers in their claims against Eli Lilly, Novo Nordisk and Sanofi for fraudulently and unfairly increasing the cost of life-saving insulin medications. HBSS has been named lead counsel in this case.
- > Member of the HBSS team prosecuting claims against Allergan for engaging in an anticompetitive scheme to keep generic versions of the eye medication, Restasis, off the market. This scheme includes fraud on the U.S. Patent and Trademark Office, sham litigation against generic manufacturers, meritless citizen petitions to the Food and Drug Administration and sham transfer of patents to a Native American Tribe in an attempt to avoid invalidation. HBSS has been named lead counsel in this case.
- > Member of the HBSS team prosecuting claims against GSK for its fraudulent marketing of the diabetes medication, Avandia. HBSS has been named lead counsel in this case.

RECENT SUCCESS

- > \$51.25 million proposed settlement in In re Restasis Antitrust Litigation. Hannah is member of the HBSS team that prosecuted claims against Allergan for fraudulently obtaining six patents from the U.S. Patent and Trademark Office, asserting those patents in federal court to delay generic competition, and then transferring those patents to a Native American Tribe to avoid invalidation in violation of federal antitrust law. The plaintiffs also alleged that Allergan filed a series of sham citizen petitions with the Food and Drug Administration to delay generic competition. The proposed settlement between the direct purchaser class and Allergan is currently pending before the District Court for the Eastern District of New York.
- > Successful Third Circuit appeal of sealing orders in In re Avandia Marketing, Sales Practices and Products Liability Litigation. Hannah briefed and argued the class plaintiffs' appeal of two district court orders sealing the entire summary judgment record. The Third Circuit issued a precedential opinion adopting the standard the plaintiffs urged for the public's common law right of access and vacated the district courts' orders. The Third Circuit also instructed the district court to consider the First Amendment argument the plaintiffs' advanced.
- > Successful Third Circuit appeal of summary judgment ruling in In re Avandia Marketing, Sales Practices and Products Liability Litigation. Hannah briefed the class plaintiffs' appeal of the district court's grant of summary judgment in favor of the defendant. The Third Circuit issued a precedential opinion siding with the plaintiffs on all three issues presented in the appeal. The Third Circuit remanded the case to the district court and ordered further discovery for the plaintiffs.
- > \$94 million recovery in In re Celebrex Antitrust Litigation. Hannah was member of the HBSS team that

ASSOCIATE

Hannah Brennan

EDUCATION

- › Yale Law School, J.D., 2013
- › Brown University, B.A., 2009

prosecuted claims against Pfizer for fraudulently obtaining patents from the U.S. Patent and Trademark Office and then asserted those patents to delay generics competition in violation of federal antitrust law. The case settled mere weeks before trial

EXPERIENCE

- › Prior to joining Hagens Berman, Ms. Brennan clerked for the Honorable Timothy B. Dyk of the United States Court of Appeals for the Federal Circuit and the Honorable Theodore McKee, Chief Judge of United States Court of Appeals for the Third Circuit.
- › She was awarded a Yale Gruber Fellowship in Global Justice and Women's Rights to work for Public Citizen's Global Access to Medicines Program. At Public Citizen, she worked on a broad range of healthcare issues, including: negotiation of the intellectual property provisions of the Trans-Pacific Partnership Agreement, compulsory licensing of HIV medications in Peru, and policies for improving access to Hepatitis C medications for veterans, Native Americans and prisoners.
- › In law school, Ms. Brennan worked in the Global Health and Justice Clinic, where she helped develop a human rights approach to intellectual property law. She also served in the Workers and Immigrants' Rights Advocacy Clinic, where she obtained a substantial settlement for a group of Latino construction workers with unpaid wage claims. She further represented Connecticut DREAMers in their legislative and regulatory campaigns to secure financial aid for undocumented students at Connecticut state universities.
- › Prior to law school, Ms. Brennan served as Fulbright Scholar in Lima, Peru, where she researched labor rights abuses in the domestic housework industry and advocated for greater government regulation of this area.

LEGAL ACTIVITIES

- › Member, American Association for Justice

RECOGNITION

- › Charles G. Albom Prize for Excellency in Appellate Advocacy

PUBLICATIONS

- › Hannah Brennan, Christine Monahan, Zain Rizva, & Amy Kapczynski, *Government Patent Use: How a Little Known Statute Can Bring Down Drug Prices and Transform Health*, 18 Yale J. of L. & Tech. 275 (2016).
- › Hannah Brennan, *The Cost of Confusion: The Paradox of Trademarked Pharmaceuticals*, 22 Mich. Telecomm. & Tech. L. Rev. 1 (2016)
- › Hannah Brennan & Burcu Kilic, *Freeing Trade at the Expense of Local Crop Markets?: A Look at the Trans-Pacific Partnership's New Plant Related Intellectual Property Rights From Human Rights Perspective*, Harv. Hum. Rts. J. Online (2015)
- › Burcu Kilic, Hannah Brennan, & Peter Maybarduk, *What Is Patentable Under the Trans-Pacific Trade Partnership?*, 40 Yale J. Int'l L. Online 1 (2015)
- › *Inside Views: The TPP's New Plant-Related Intellectual Property Provisions*, Intellectual Property Watch (Oct. 17, 2014)
- › A Human Rights Approach to Intellectual Property and Access to Medicines, Yale Global Health and Justice Partnership
- › Trabajo en servicio doméstico: capacitación laboral y agencias de empleo [Domestic House Work: Labor Training and Employment Agencies] (Asociación Grupo de Trabajo Redes eds., 2010)

ASSOCIATE

Hannah Brennan

LANGUAGES

> Spanish

PERSONAL INSIGHT

Hannah's favorite city is Lima, her favorite state is Vermont and her favorite 90s action movie is *The Fugitive*.



ASSOCIATE

Rochella T. Davis

Rochella is experienced in handling issues of first impression in complex matters.

CONTACT

55 Cambridge Parkway
Suite 301
Cambridge, MA 02142

(617) 475-1976 office
(617) 482-3003 fax
rochellad@hbsslaw.com

YEARS OF EXPERIENCE

> 2

PRACTICE AREAS

> Antitrust Litigation
> Pharmaceutical Fraud

CLERKSHIPS

> Supreme Court of the United
States Virgin Islands

BAR ADMISSIONS

> New York

EDUCATION

> Suffolk University Law
School, J.D., Trial & Appellate
Advocacy Concentration with
distinction, 2017, Journal of
Trial & Appellate Advocacy

> Johns Hopkins University,
M.S., 2022

> University of the Virgin Islands,
B.A., summa cum laude, 2014

CURRENT ROLE

> Associate, Hagens Berman Sobol Shapiro LLP

> Rochella focuses on nationwide pharmaceutical antitrust class actions. She is actively involved in In re Glumetza Antitrust Litigation, a class action suit challenging an anticompetitive conspiracy among drug manufacturers of Type 2 diabetes drug, Glumetza.

EXPERIENCE

> Prior to joining Hagens Berman, Ms. Davis served as an appellate law clerk to Chief Justice Rhys S. Hodge of the Supreme Court of the United States Virgin Islands where she conducted legal research and analyzed issues of first impression.

> In law school, Ms. Davis represented criminal defendants accused of misdemeanors as a certified student attorney in the Suffolk Defenders Clinic.

PRO BONO

> Suffolk University Law School Pro Bono Honors, 2017. Rochella completed 270 hours of pro bono service in law school.

LEGAL ACTIVITIES

> American Bar Association, Antitrust Division

> New York Bar Association, Antitrust Division

RECOGNITION

> Robert A. Fuchs Memorial Prize in Labor Law, 2016

PUBLICATIONS

> "Talent Can't Be Allocated: A Labor Economics Justification for No-Poaching Agreement Criminality in Antitrust Regulation," 12 Brook. J. Corp. Fin. & Com. L. 279 (2018).

> "To Whom Should We Point Our Stylus?: Allocating the Burden of Review in E-discovery of Social Media Content," 22 Suffolk J. Trial & App. Advoc. 121 (2017).

PERSONAL INSIGHT

When she's not vigorously representing her clients' interests, Rochella enjoys cooking and exploring food culture in new cities.



ASSOCIATE

John DeStefano

Mr. DeStefano takes special pride in protecting the public against broad-based frauds and swindles and the corruption of honest enterprise.

CONTACT

11 West Jefferson St.
Suite 1000
Phoenix, AZ 85003

(602) 224-2628 office
(602) 840-3012 fax
johnd@hbsslaw.com

PRACTICE AREAS

- › Consumer Protection
- › Commercial Litigation
- › Privacy Rights
- › Appellate Advocacy

BAR ADMISSIONS

- › U.S. Supreme Court
- › U.S. Court of Appeals, Ninth Circuit
- › U.S. Court of Appeals, Tenth Circuit
- › U.S. District Court, District of Arizona
- › Supreme Court of Arizona

EDUCATION

- › University of Arizona Law School, J.D., Senior Managing Editor, Arizona Law Review
- › Harvard University, B.A., Classics

CURRENT ROLE

- › Associate, Hagens Berman Sobol Shapiro LLP
- › Practice focuses on consumer, insurance, and antitrust class actions as well as appellate representation

RECENT SUCCESS

- › Obtained court approval of \$400 million settlement to compensate Hyundai and Kia owners for misstatement of EPA fuel economy ratings. Settlement payments averaged \$353 for Hyundai owners and \$667 for Kia owners.
- › Obtained appellate reversal of judgment for defendant in multimillion-dollar business ownership dispute
- › In class action against Liberty Mutual insurance for deceptively reducing payments to accident victims for the value of their totaled vehicles, defeated motion to dismiss so that all claims can proceed

EXPERIENCE

- › Snell & Wilmer LLP 2009-2013
- › American Inns of Court Pegasus Scholar 2012: study of commercial, media, and privacy law with barristers and judges in the U.K.
- › U.S. District Court for the District of Arizona, Law Clerk to the Hon. Neil V. Wake 2008-2009
- › U.S. Court of Appeals for the Ninth Circuit, Law Clerk to the Hon. William C. Canby, Jr. 2007-2008

RECOGNITION

- › Super Lawyers, Rising Star: Class Action/Mass Tort 2015 - 2017
- › Arizona Foundation for Legal Services & Education, Top Pro Bono Attorneys in Arizona Award 2013

NOTABLE CASES

- › *In re Pre-Filled Propane Tank Antitrust Litigation*
- › *In re Hyundai & Kia Fuel Economy Litigation*
- › *Jim Brown v. Electronic Arts Inc.*
- › *In re NCAA Student-Athlete Name and Likeness Licensing Litigation*
- › *Antonick v. Electronic Arts Inc.*
- › *In re Swift Transportation Co., Inc.*
- › Represented an international human rights organization as amicus curiae in the U.S. Supreme Court case *Moloney v. United States*, opposing the enforcement of a foreign law enforcement subpoena for confidential academic research in the U.S. (pro bono)
- › *Olberg v. Allstate Insurance Co.*

ASSOCIATE

John DeStefano

- › *Lundquist v. First National Insurance Company of America*
- › *Gunn v. Continental Casualty Co.*

LEGAL ACTIVITIES

- › American Association for Justice
- › Program Chair (current), Treasurer (past), Lorna Lockwood American Inn of Court
- › Volunteer Lawyers Program of Arizona

PERSONAL INSIGHT

When John's great-grandfather came from Italy to Boston, he lost his life savings to a man he met named Charles Ponzi. A century later, John takes special pride in protecting the public against broad-based frauds and swindles and the corruption of honest enterprise.



ASSOCIATE

Rachel E. Fitzpatrick

Ms. Fitzpatrick was a member of the trial team responsible for a \$5.25 million dollar jury verdict on behalf of an Ohio plaintiff who was badly burned while trying to rescue her paraplegic son.

CONTACT

11 West Jefferson St.
Suite 1000
Phoenix, AZ 85003

(602) 224-2636 office
(602) 840-3012 fax
rachel@hbsslaw.com

YEARS OF EXPERIENCE

> 8

PRACTICE AREAS

- > Complex Civil Litigation
- > Consumer Fraud
- > Mass Tort

BAR ADMISSIONS

- > Arizona

EDUCATION

- > Arizona State University, B.S.,
magna cum laude, 2007
- > Arizona State University
Sandra Day O'Connor College
of Law, J.D., 2011

CURRENT ROLE

- > Associate, Hagens Berman Sobol Shapiro LLP
- > Practice focuses on complex civil litigation and nationwide class actions, including consumer fraud and mass tort
- > Ms. Fitzpatrick worked on behalf of student-athlete plaintiffs in the highly publicized cases *Keller v. Electronic Arts* and *In re NCAA Student-Athlete Name and Likeness Licensing Litigation*. The cases allege that video game manufacturer Electronic Arts, the National Collegiate Athletic Association and the Collegiate Licensing Company violated state right of publicity laws and the NCAA's contractual agreements with student-athletes by using the names, images and likenesses of the student athletes in EA's NCAA-themed football and basketball video games.

RECENT SUCCESS

- > In March 2012, Ms. Fitzpatrick was a member of the trial team responsible for a \$5.25 million dollar jury verdict on behalf of an Ohio plaintiff who was badly burned while trying to rescue her paraplegic son from his burning home. The verdict is believed to be the largest in Columbiana County, Ohio history.

NOTABLE CASES

- > *Keller v. Electronic Arts Inc.*, U.S. Court of Appeals, Ninth Circuit, Case No. 10-15387
- > *In re: NCAA Student-Athlete Name and Likeness Licensing Litigation*, U.S. District Court, ND Cal., Case No. 3:09-CV-01967-CW
- > *Antonick v. Electronic Arts, Inc.*, U.S. District Court, ND Cal., Case No. 3:11-CV-01543-CRB

PERSONAL INSIGHT

Ms. Fitzpatrick spent three years as a professional NFL cheerleader for the Arizona Cardinals and traveled with the squad to Iraq, Kuwait and the United Arab Emirates to perform for troops stationed overseas.



ASSOCIATE

Anthea D. Grivas

Working on behalf of consumers, continuing a long-standing dedication to public interest legal advocacy.

CONTACT

1301 Second Avenue
Suite 2000
Seattle, WA 98101

(206) 268-9307 office
(206) 623-0594 fax
antheag@hbsslaw.com

YEARS OF EXPERIENCE

> 18

PRACTICE AREAS

- > Consumer Protection
- > Anti-Trust
- > Civil and Human Rights

BAR ADMISSIONS

- > Washington

EDUCATION

- > University of Washington
School of Law, J.D., 2001
- > University of Washington, B.A.
Political Science, 1995

CURRENT ROLE

- > Associate, Hagens Berman Sobol Shapiro LLP
- > Significant complex multi-party litigation experience with an emphasis on anti-trust price-fixing, product liability and nationwide class action cases on behalf of consumers. Ms. Grivas develops successful litigation theories and strategies, drafts legal motions and handles all aspects of large-scale multi-firm case discovery.
- > Ms. Grivas' contributions to the firm have included:
 - Member of *In re Automotive Parts Antitrust Litigation* team
 - Drafted interrogatories and discovery motions, managed multi-firm review and oversaw in-house deposition preparation in *In re Toyota Motor Corp. Sudden, Unintended Acceleration* matter
 - Extensive discovery work in an anti-trust case brought against several of the world's largest manufacturers of TFT-LCD products
 - Part of team working on class-action litigation brought by collegiate student athletes who suffered concussions/traumatic brain injuries
 - Litigation against a large, publicly traded medical waste disposal company on behalf of small businesses
 - Nationwide class-action cases brought by homeowners with catastrophic property damage claims against makers of water connectors
 - Litigation involving the world's largest fruit and vegetable company, claiming it misled consumers about its environmental record

RECENT SUCCESS

- > *NCAA Concussions* – part of HB legal team whose efforts resulted in settlement providing medical-monitoring program for current and former student-athletes, sweeping changes to the NCAA's approach to concussion treatment and prevention, and a \$5 million concussion research fund.
- > *In re Toyota Motor Corp. Sudden, Unintended Acceleration* – part of HB legal team that obtained record settlement on behalf of auto purchasers.
- > *In re TFT-LCD (Flat Panel) Antitrust Litigation* – part of HB legal team that obtained settlement on behalf of TFT-LCD product purchasers.
- > *Trabakoolas v. Watts Water Technologies, Inc.* – part of HB legal team that obtained settlement on behalf of customers.
- > *Dole Bananas* – part of HB legal team whose efforts resulted in settlement on behalf of local communities in Guatemala.

ASSOCIATE

Anthea D. Grivas

RECOGNITION

- › Ms. Grivas has been recognized by the University of Washington's law school for her commitment to advocacy on behalf of the public interest, and was awarded the university's annual dean's list award for high scholarship.
- › Public Justice recognized the *In re Toyota Motor Corp. Sudden, Unintended Acceleration* team for its work on behalf of auto consumers.

EXPERIENCE

- › Ms. Grivas has a long-standing dedication to legal advocacy on behalf of traditionally underrepresented groups. She is a former co-chair of an organization that helps prepare Violence Against Women Act self-petitions on behalf of survivors of domestic violence, has represented refugees with disabilities in INS administrative proceedings, worked as an advocate for families receiving Temporary Assistance for Needy Families benefits, and has visited womens' shelters to conduct public assistance trainings.
- › As a summer law clerk, Ms. Grivas worked on *Arc of Washington vs. Quasim*, a significant case brought on behalf of individuals with developmental disabilities. She was tasked with researching and constructing a legal argument against the state of Washington's claim of deliberative process privilege, and her work helped expose a state audit report containing what the *Seattle Post-Intelligencer* described as "damning revelations" regarding the state's limited oversight of services for disabled individuals.
- › Ms. Grivas also has a strong technical background, incorporating over a decade of electronic discovery institutional knowledge, and has seven years of experience in litigation impacting the software industry, including work in the compliance phase of *US v. Microsoft*.

LEGAL ACTIVITIES

- › Northwest Immigrant Rights Project
- › Solid Ground/Fremont Public Association
- › Public Interest Law Association
- › Women's Law Caucus
- › Immigrant Families Advocacy Project
- › American Civil Liberties Union of Washington
- › KCBA Neighborhood Legal Clinics program

PUBLICATIONS

- › Author, "An Unreal Dream: The Impact of DNA Technology on the American Criminal Justice System," (DeNovo, XVI.IV, 2002)

NOTABLE CASES

- › *Toyota Motor Corp. Sudden, Unintended Acceleration*
- › *In re TFT-LCD flat panel litigation*
- › *NCAA Concussions*

PERSONAL INSIGHT

Ms. Grivas is a lifelong musician who has performed at the Northwest Folklife Festival, Northwest Orchestra Festival, the Nippon Kan theater and as principal violinist and concertmaster with a local symphony orchestra.



ASSOCIATE

Ben Harrington

Ben focuses on challenging fraudulent business practices and enforcing antitrust laws, drawing from his extensive experience representing both plaintiffs and defendants at all stages of litigation.

CONTACT

715 Hearst Ave.
Suite 202
Berkeley, CA 94710

(510) 725-3000 office
(510) 725-3001 fax
benh@hbsslaw.com

YEARS OF EXPERIENCE

> 12

INDUSTRY EXPERIENCE

- > Antitrust Litigation
- > Consumer Rights
- > Pharmaceutical Fraud

BAR ADMISSIONS

- > California
- > New York

COURT ADMISSIONS

- > U.S. District Court for the Southern District of New York
- > U.S. District Court for the Eastern District of New York

CLERKSHIPS

- > Honorable Nina Gershon,
U.S. District Court for the Eastern District of New York,
2014-2016
- > Honorable Harris Hartz,
U.S. Court of Appeals, Tenth
Circuit, 2008-2009

EDUCATION

- > University of California,
Hastings College of the Law,
J.D., *summa cum laude*, 2008
- > The Evergreen State College,
B.A., 2001

CURRENT ROLE

- > Associate, Hagens Berman Sobol Shapiro LLP

EXPERIENCE

- > Prior to joining Hagens Berman, Ben worked as a litigation associate in the New York office of Quinn Emanuel Urquhart & Sullivan LLP

PERSONAL INSIGHT

If Ben is not working you will probably find him chasing after his young daughter, noodling on a guitar or tending to his ever-growing stable of bicycles.



ASSOCIATE

Kristie A. LaSalle

Ms. LaSalle graduated magna cum laude from Brooklyn Law School in 2012.

CONTACT

55 Cambridge Parkway
Suite 301
Cambridge, MA 02142

(617) 475-1951 office
(617) 482-3003 fax
kristiel@hbsslaw.com

YEARS OF EXPERIENCE

> 7

PRACTICE AREAS

- > Antitrust Litigation
- > Pharmaceutical Fraud

CLERKSHIPS

- > Law Clerk, Staff Attorney's Office for the U.S. Court of Appeals for the Second Circuit

BAR ADMISSIONS

- > Massachusetts
- > New York

COURT ADMISSIONS

- > U.S. Supreme Court
- > U.S. Court of Appeals, First Circuit
- > U.S. Court of Appeals, Third Circuit
- > U.S. Tax Court
- > U.S. District Court for the District of Massachusetts

EDUCATION

- > Brooklyn Law School, JD, *magna cum laude*, 2012
- > Swarthmore College, BA 2006

CURRENT ROLE

- > Associate, Hagens Berman Sobol Shapiro LLP
- > Practice focuses on nationwide class-action litigation against pharmaceutical companies that violate antitrust, consumer protection and anti-fraud laws.

EXPERIENCE

- > After law school, Ms. LaSalle served for two years as a law clerk in the Staff Attorney's Office for the U.S. Court of Appeals for the Second Circuit, where she handled motions practice and appeals of complex class-action litigation.
- > Prior to law school, Ms. LaSalle worked as a paralegal at a large Philadelphia law firm as a member of the legal team defending a pharmaceutical fraud class action.

RECOGNITION

- > Order of the Barristers
- > Scholarly Journal Writing Award
- > John P. O'Boyle Memorial Endowed Scholarship, Carswell Scholarship, Dean's Merit Scholarship, Centennial Grant

PUBLICATIONS

- > Author, "The Other 99% of the Expressive Conduct Doctrine: the Occupy Wall Street Movement and the Importance of Recognizing the Contribution of Conduct to Speech," 18 Tex. J. on Civ. Rights & Civ. Liberties 1 (2013)
- > Author, "A Prescription for Change: Citizens United's Implications for Regulation of Off-Label Promotion of Prescription Pharmaceuticals," 19 J.L. Pol'y 867 (2011)
- > Kristie LaSalle & Kristen Johnson, The Misapplication of the Presumption of Patent Validity, 33 Antitrust Health Care Chronicle 11 (2018)

PERSONAL INSIGHT

Kristie is the unexpected combination of a performing improviser, competitive weightlifter and Ravenclaw.



ASSOCIATE

Jessica R. MacAuley

Ms. MacAuley was a fundamental part of the In re: Celebrex Antitrust Litigation trial team, which resulted in a \$94 million settlement.

CONTACT

55 Cambridge Parkway
Suite 301
Cambridge, MA 02142

(617) 475-1967 office
(617) 482-3003 fax
jessicam@hbsslaw.com

YEARS OF EXPERIENCE

> 7

PRACTICE AREAS

- > Antitrust Litigation
- > Consumer Rights
- > Pharmaceutical Fraud

BAR ADMISSIONS

- > Massachusetts
- > District Court of Massachusetts
- > Second Circuit Court of Appeals

EDUCATION

- > Northeastern University, B.A., *cum laude*, 2005
- > The Pennsylvania State University, Dickinson School of Law, J.D., 2012

CURRENT ROLE

- > Associate, Hagens Berman Sobol Shapiro LLP
- > Practice focuses on nationwide antitrust class actions and consumer fraud
- > Member of the HBSS team of attorneys litigating on behalf of direct purchasers in In re: Restasis Antitrust Litigation. Ms. MacAuley directed day-to-day efforts for HBSS and was the leader of a team of attorneys investigating allegations related to the defendant's (Allergan) filing of sham citizen petition. Papers have recently been filed with the court for the approval of a proposed \$51.25 million settlement.
- > Leading team of attorneys investigating privilege claims made by defendants in the In re Glumetza Antitrust Litigation.
- > Integral part of a trial team for class of direct purchasers in the In re: Celebrex Antitrust Litigation, which settled before trial for \$94 million.
- > Counsel in the In re: Suboxone Antitrust Litigation and the In re: Niaspan Antitrust Litigation. Tasked with overseeing the litigation for the HBSS office.
- > Instrumental in reaching a \$98 million settlement for direct purchasers of the immunosuppressant, Prograf.
- > Oversaw discovery efforts, including managing meet and confers with defendants and directing factual issues for depositions, on behalf of direct purchasers In re: Solodyn Antitrust Litigation, a multi-district litigation challenging anticompetitive conduct by pharmaceutical drug makers that settled pre-trial with four defendants totaling over \$76 million.

EXPERIENCE

- > During law school Ms. MacAuley was a certified legal intern for the Rural Economic Development Clinic, advising clients on Marcellus shale exploration land rights, FDA regulations for artisanal cheese makers and formation of corporate entities for dairy farmers.

RECOGNITION

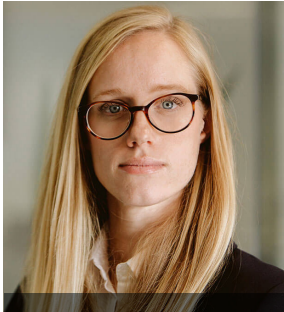
- > "Rising Star," Massachusetts Super Lawyers Magazine, 2015 - 2019

NOTABLE CASES

- > *In re: Prograf Antitrust Litigation*
- > *In re: Solodyn Antitrust Litigation*
- > *In re: Celebrex Antitrust Litigation*
- > *In re: Restasis Antitrust Litigation*

PERSONAL INSIGHT

Jessica has long been active in social justice movements, starting in kindergarten when she led an unsuccessful boycott of Columbus Day.



ASSOCIATE

Abbye Klamann Ognibene

Ms. Ognibene believes in taking on corporations in the fight for plaintiffs' rights, including the right to online privacy and to fair pricing in medical care and consumer goods.

CONTACT

55 Cambridge Parkway
Suite 301
Cambridge, MA 02142

(617) 482-3700 office
(617) 482-3003 fax
rochellad@hbsslaw.com

YEARS OF EXPERIENCE

> 3

PRACTICE AREAS

- > Antitrust Litigation
- > Class Actions
- > Consumer Rights

CLERKSHIPS

- > Supreme Court of the United States Virgin Islands

BAR ADMISSIONS

- > California
- > District of Columbia
- > New York

COURT ADMISSIONS

- > U.S. District Court for the Northern District of California
- > U.S. District Court for the Central District of California
- > U.S. Court of Appeals, Ninth Circuit

EDUCATION

- > University of Michigan, J.D., cum laude, 2016
- > University of Missouri Columbia, B.J., cum laude, 2011

CURRENT ROLE

- > Associate, Hagens Berman Sobol Shapiro LLP

EXPERIENCE

- > Prior to joining Hagens Berman, Ms. Ognibene was an associate at Pierce Bainbridge Beck Price & Hecht, where she helped launch a class-action practice group litigating digital privacy, consumer rights and antitrust cases. She also worked on cutting edge class-action litigation at Lieff Cabraser Heimann & Bernstein, focusing on digital privacy and antitrust cases.
- > While in law school, Abbye worked for more than two years as a law clerk to the legal team of DeBoer v. Snyder, consolidated sub nom. Obergefell v. Hodges, which guaranteed the nationwide right to marry for same-sex couples.

LEGAL ACTIVITIES

- > Member, American Association for Justice

RECOGNITION

- > Robert A. Fuchs Memorial Prize in Labor Law, 2016

PERSONAL INSIGHT

Before attending law school, Abbye worked in radio journalism in her home state of Missouri. She spends her time outside of the office with her two large rescue dogs, preferably with a glass of Vermont whiskey in one hand and a good book in the other.



ASSOCIATE

Rio Pierce

A magna cum laude graduate of Harvard Law School, Rio focuses his practice on ensuring fair and free markets for the benefit of consumers.

CONTACT

715 Hearst Ave.
Suite 202
Berkeley, CA 94710

(510) 725-3000 office
(510) 725-3001 fax
riop@hbsslaw.com

YEARS OF EXPERIENCE

> 6

PRACTICE AREAS

- > Consumer Protection
- > Intellectual Property

BAR ADMISSIONS

- > California

COURT ADMISSIONS

- > U.S. District Court for the Central District of California
- > U.S. District Court for the Northern District of California
- > U.S. District Court for the Southern District of California

CLERKSHIPS:

- > Honorable Jerome Farris of the U.S. Court of Appeals for the Ninth Circuit, 2013 - 2014

EDUCATION

- > Harvard Law School, *magna cum laude*, 2013
- > Duke University, *magna cum laude*, 2005

CURRENT ROLE

- > Associate, Hagens Berman Sobol Shapiro LLP

RECENT SUCCESS

- > Achieved favorable settlements for group of 80 tenants in tort suit against landlords for slum housing conditions.

RECOGNITION

- > Chayes Fellow, National Prosecuting Authority in Cape Town, South Africa
- > Teaching Fellow, Copyright EdX

EXPERIENCE

- > Prior to joining Hagens Berman, Mr. Pierce worked as an associate for two years at Munger, Tolles & Olson, where he gained significant experience in class action and complex commercial litigation. Mr. Pierce also did extensive pro bono work on immigration matters.
- > Law Clerk, U.S. Court of Appeals for the Ninth Circuit, Judge Jerome Farris, 2013-2014
- > Associate, Munger Tolles & Olson, 2014-2016

LEGAL ACTIVITIES

- > American Association for Justice

PUBLICATIONS

- > "A Heavy Hand or A Light Touch: What Force Will California's Anti-SLAPP Statute Have After Baral v. Schnitt?" California Litigation Review, 2015

PERSONAL INSIGHT

A proud California native, Rio loves exploring the whole state, especially Big Sur. Prior to law school, Rio worked at Miramax for several years and still loves a good indie film. In his free time, Rio enjoys making pies.



ASSOCIATE

Christopher R. Pitoun

Christopher R. Pitoun has focused on consumer litigation since graduating from law school and has gained broad experience representing individuals, municipalities and small businesses in all forms of complex litigation.

CONTACT

301 North Lake Ave.
Suite 920
Pasadena, CA 91101

(213) 330-7148 office
(213) 330-7152 fax
chrisp@hbsslaw.com

YEARS OF EXPERIENCE

> 9

PRACTICE AREAS

- > Consumer Protection
- > Intellectual Property

BAR ADMISSIONS

- > California
- > U.S. District Court, Central District of California
- > U.S. District Court, Northern District of California
- > U.S. District Court, Southern District of California
- > U.S. District Court, Eastern District of California

EDUCATION

- > Loyola Law School, Los Angeles, J.D. 2011, Note and Comment Editor, Loyola of Los Angeles Entertainment Law Review
- > University of Chicago, M.A. 2005
- > University of Michigan, B.A., with High Honors, 2004
- > London School of Economics, General Course, 2003

CURRENT ROLE

- > Associate, Hagens Berman Sobol Shapiro LLP
- > Practice focuses on class actions and other complex litigation

EXPERIENCE

- > Associate, Girardi Keese, 2011-2014, where he gained extensive experience representing plaintiffs in business litigation involving copyright and trademark disputes, breach of contract claims and breach of fiduciary duty claims. He also worked on a number of nationwide class actions involving products liability matters in the pharmaceutical and construction industries.
- > Office of the Attorney General of California, Business and Tax Division, Winter 2010

LEGAL ACTIVITIES

- > Federal Bar Association
- > American Association For Justice (AAJ)
- > Consumer Attorneys Association of Los Angeles (CAALA)

NOTABLE CASES

- > *Ford F-150 & Ranger Fuel Economy and Sales Practices Litigation*
- > *Sake House Restaurants Racial Discrimination Litigation*
- > *Fiat Chrysler Gear Shifter Rollaway, Litigation*
- > *Countrywide Financial, et al. Pretextual Appraisal Litigation*
- > *EZconn Corp., Litigation*
- > *Students v. USC and Dr. Tyndall*

PERSONAL INSIGHT

- > Prior to attending law school, Chris taught English and French to high school students in China.
- > Chris later decided to become a lawyer while marketing the film "Michael Clayton."



ASSOCIATE

Benjamin J. Siegel

Mr. Siegel is an experienced litigator with a focus on antitrust law who has represented clients in state and federal courts, on appeals, as well as before arbitrators and governmental agencies, and has achieved significant settlements.

CONTACT

715 Hearst Ave.
Suite 202
Berkeley, CA 94710

(510) 725-3033 office
(510) 725-3001 fax
bens@hbsslaw.com

YEARS OF EXPERIENCE

> 12

PRACTICE AREAS

> Antitrust Litigation

BAR ADMISSIONS

> California

COURT ADMISSIONS

> U.S. District Court for the Northern District of California
> U.S. District Court for the Eastern District of California
> U.S. Court of Appeals
> Ninth Circuit

CLERKSHIPS

> Hon. Thomas M. Reavley, U.S. Court of Appeals for the Fifth Circuit

EDUCATION

> The University of Texas School of Law, The University of Texas LBJ School of Public Affairs, J.D., M.P.A., Order of the Coif, High Honors, 2007
> Articles Editor, Texas Law Review; Texas Law Review Best Litigation Note, Volume 85; Texas Law Public Interest Fellowship; LBJ Foundation Award, First in Class
> Yale University, B.A. Political Science, *cum laude*, Phi Beta Kappa, 2000

CURRENT ROLE

> Associate, Hagens Berman Sobol Shapiro LLP

EXPERIENCE

> Following his work at Boies, Schiller & Flexner LLP in 2008-2009, Mr. Siegel has litigated cases on behalf of plaintiffs for the past seven years.

LEGAL ACTIVITIES

> Alameda County Bar Association

RECENT CASES

> *In re Optical Disk Drive Prods. Antitrust Litigation*, No. 3:10-md-2143-RS (N.D. Cal.)
> *In re NCAA Grant-In-Aid Antitrust Litigation*, 4:14-md-02541-CW (N.D. Cal.)
> *In re Resistors Antitrust Litigation*, 5:15-cv-03820-JD (N.D. Cal.)

PUBLICATIONS

> Benjamin Siegel, Constitutional Rights and the Counter-Majoritarian Dilemma (May 15, 2007) (unpublished Master's thesis, University of Texas at Austin).
> Benjamin Siegel, Note, Applying a "Maturity Factor" Without Compromising the Goals of the Class Action, 85 Texas L. Rev. 741 (2007) (Texas Law Review Best Litigation Note, Volume 85).
> Benjamin Siegel et al., Beyond the Numbers: Improving Postsecondary Success through a Central Texas High School Data Center, LBJ School of Public Affairs, Policy Research Report No. 148 (2005).
> Benjamin Siegel, California Must Protect Health Care for Medi-Cal Children, 15 Youth L. News 1 (2004), available at <http://www.youthlaw.org>.
> Jenny Brodsky, Jack Habib & Benjamin Siegel, Lessons for Long-Term Care Policy, World Health Organization, Publication No: WHO/NMH7CCL/02.1 (2002).
> Jenny Brodsky, Jack Habib, Miriam Hirschfeld & Benjamin Siegel, Care of the Frail Elderly in Developed and Developing Countries: the Experience and the Challenges, 14 Aging Clinical & Experimental Research 279 (2002).

PERSONAL INSIGHT

When not working to enforce the nation's antitrust laws, Mr. Siegel enjoys spending time with his wife and two young children in his hometown of Oakland, California. He also likes playing softball and pick-up basketball with his friends.



ASSOCIATE

Whitney K. Siehl

Ms. Siehl works tirelessly and has achieved millions of dollars in settlements for her clients. Her passion and empathy is unmatched.

CONTACT

455 N. Cityfront Plaza Drive
Suite 2410
Chicago, IL 60611

(708) 628-4963 office
(708) 628-4950 fax
whitneyk@hbsslaw.com

YEARS OF EXPERIENCE

> 7

PRACTICE AREAS

- > Civil & Human Rights Litigation
- > Class Actions
- > Employment Litigation
- > Personal Injury Litigation
- > Sexual Abuse & Harassment

BAR ADMISSIONS

- > Illinois

COURT ADMISSIONS

- > United States District Court for the Northern District of Illinois
- > United States Court of Appeals for the Seventh Circuit
- > Supreme Court of the United States

CLERKSHIPS

- > Extern for Judge George C. Smith on the Southern District of Ohio

EDUCATION

- > The Ohio State University Moritz College of Law, J.D., cum laude, 2013
- > Northwestern University, B.A., 2009

CURRENT ROLE

- > Associate, Hagens Berman Sobol Shapiro LLP
- > Ms. Siehl's Plaintiffs' litigation practice focuses on complex class-action and individual cases in the areas of sexual abuse, sexual harassment, and sports law
- > Represents an actress and entertainment industry class against The Weinstein Company, Harvey Weinstein and related companies for racketeering and sexual assault
- > Represents students and alumnae of the University of Southern California in a class-action lawsuit against the university and Dr. George Tyndall for his alleged decades-long sexual abuse of patients

EXPERIENCE

- > Prior to joining Hagens Berman, Ms. Siehl was an associate in the Chicago office of a well-respected Plaintiffs' firm representing families and children in birth injury and birth trauma litigation nationwide.
- > She worked previously at another Chicago firm where she gained experience in all aspects of civil litigation with a focus on medical malpractice and professional liability matters.

RECENT SUCCESS

- > Ms. Siehl played a significant role in a \$4 million settlement for a child who suffered severe and permanent brain damage due to the medical providers' delay in recognizing a placental abruption.
- > Assisted in a \$3.5 million settlement for a child with a hypoxic-ischemic brain injury that resulted from too much Pitocin and a physician's failure to recognize fetal distress.

RECOGNITION

- > 2020 Illinois Class Action/Mass Torts Rising Star, Super Lawyers
- > 2019 Rising Star, Super Lawyers Magazine for Plaintiffs' Personal Injury
- > 2017 Award for Excellence in Pro Bono Service from the United States District Court for the Northern District of Illinois and the Chicago Chapter of the Federal Bar Association
- > 2013 Member of National Champion Team for Sutherland Cup National Constitutional Law Moot Court Competition
- > CALI Award for Highest Grade in Legislation Clinic, Dispute Systems Design, and Comparative Legal Professions
- > Named a Public Service Fellow with Dean's Special Recognition

LEGAL ACTIVITIES

- > Women's Bar Association of Illinois
 - Officer - Recording Secretary - 2019 - Present
 - Board of Directors - 2017 - Present
- > American Association for Justice Birth Trauma Litigation Group, Member
- > Illinois Trial Lawyers Association, Member
 - ITLA Women's Caucus, Member

ASSOCIATE

Whitney K. Siehl

ACTIVITIES

- › Professional Board Member, PAWS Chicago – the Midwest’s largest no-kill animal shelter

PRO BONO

- › In 2017, Ms. Siehl received an Award for Excellence in Pro Bono Service from the United States District Court for the Northern District of Illinois and the Chicago Chapter of the Federal Bar Association for her dedication to representing underserved individuals in employment discrimination matters.

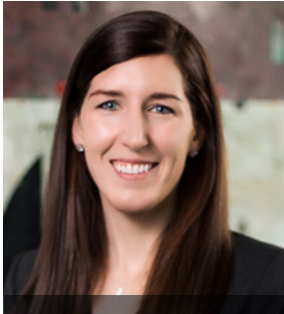
PUBLICATIONS

- › *#Us Too: Gender Inequality in the Legal Profession*, American Association for Justice, Birth Trauma Litigation Group Newsletter, Lead Article, February 2018.

PERSONAL INSIGHT

Whitney is an avid golfer and chairs the annual golf outing for the Women’s Bar Association of Illinois. At Northwestern, she was a member of the women’s golf team. She was previously a member of the Miami University cross country and track teams, where the cross country team was selected as NCAA Academic All-Americans. As a four-sport athlete, Whitney was recently inducted into the Port Clinton High School Athletic Hall of Fame.

She enjoys epic feats of endurance and serves as a pace group leader for Chicago Marathon training. To date, she has completed 10 marathons, a half Iron distance triathlon, and numerous short course triathlons. She recently completed the 2019 Escape from Alcatraz Triathlon in San Francisco.



ASSOCIATE

Emilee Sisco

Ms. Sisco practices in the areas of sports litigation, antitrust and consumer protection. As a former Division I athlete, she has worked on the firm's cases against the NCAA, furthering the rights of college-athletes across the nation.

CONTACT

1301 Second Avenue
Suite 2000
Seattle, WA 98101

(206) 623-7292 office
(206) 623-0594 fax
emilees@hbsslaw.com

YEARS OF EXPERIENCE

> 4

PRACTICE AREAS

- > Antitrust Litigation
- > Consumer Rights
- > Sports Litigation

BAR ADMISSIONS

- > Washington

COURT ADMISSIONS

- > U.S. District Court, Western District of Washington

EDUCATION

- > Seattle University School of Law, J.D.
- > University of Oregon, B.A.

CURRENT ROLE

- > Associate, Hagens Berman Sobol Shapiro LLP

EXPERIENCE

- > Law Clerk for Washington State Office of the Attorney General – Antitrust Division

LEGAL ACTIVITIES

- > During 2L and 3L years in law school, Ms. Sisco was a fulltime volunteer intern for the WSBA Moderate Means Program. She volunteered more than 250 hours of pro bono service during law school.

RECOGNITION

- > Honoree for Outstanding Antitrust Litigation Achievement in Private Law Practice, American Antitrust Institute, 2019

RECENT CASES

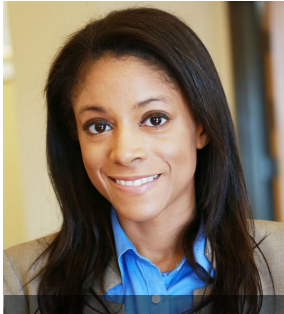
- > *Namoff v. Fleishman & Shapiro, P.C. et al*
- > *In re: National Prescription Opiate Litigation*
- > *In re: NCAA Athletic Grant-In-Aid Cap Antitrust Litigation*
- > *In re: General Motors LLC Ignition Switch Litigation*

LANGUAGES

- > Latin

PERSONAL INSIGHT

Ms. Sisco was a Division I volleyball athlete for the University of Oregon and University of Colorado. She was a member of the U.S. Women's Volleyball A3 team and was also a three-sport varsity athlete throughout high school, earning top 10 state finishes in two events at the WIAA Track & Field Championship.



ASSOCIATE

Danielle Smith

Ms. Charles is an investor and consumer rights attorney with a background in litigation and public entities.

CONTACT

715 Hearst Ave.
Suite 202
Berkeley, CA 94710

(510) 725-3038 office
(510) 725-3001 fax
daniellec@hbsslaw.com

YEARS OF EXPERIENCE

> 8

BAR ADMISSIONS

> California

PRACTICE AREAS

> Class Actions
> Complex Civil Litigation
> Consumer Rights
> Investor Fraud
> Securities

COURT ADMISSIONS

> U.S. District Court for the
Northern District of California
> U.S. District Court for the
Southern District of California

EDUCATION

> Harvard Law School, J.D.,
2012
> Columbia University, B.A.,
2009

CURRENT ROLE

> Associate, Hagens Berman Sobol Shapiro

RECENT CASES

> BlackRock iShares ETF August 24, 2015 Flash Crash Litigation
> *Colman et al. v. Theranos, Inc., et al.*, Case Number: 5:16-cv-06822

ACTIVITIES

> Oakland NAACP – Legal Redress Chair
> Board Member, Conservatory of Vocal and Instrumental Arts, Oakland, CA

LEGAL ACTIVITIES

> Member, Alameda County Bar Association

PRESENTATIONS

> California School Boards Association – Annual Workshop for California Council of School Attorneys,
December 2015.

PERSONAL INSIGHT

When she's not working tirelessly to protect her clients' interests, Danielle enjoys biking, movies and action/RPG gaming.



ASSOCIATE

Shelby R. Smith

Shelby has dedicated her career to serving vulnerable victims of violent crimes.

CONTACT

1301 Second Avenue
Suite 2000
Seattle, WA 98101

(206) 268-9370 office
(206) 623-0594 fax
shelby@hbsslaw.com

YEARS OF EXPERIENCE

> 18

PRACTICE AREAS

- > Personal Injury Litigation
- > Sports Concussions
- > Social Work Negligence
- > Nursing Home/Adult Family Home Negligence
- > Daycare/School Negligence
- > Civil Rights
- > Privacy Rights
- > Consumer Protection

BAR ADMISSIONS

- > Washington
- > U.S. District Court, Western District of Washington

EDUCATION

- > Seattle University, J.D., Member, Public Interest Law Society, 2000
- > University of Washington, B.A., cum laude, Sociology, 1996

CURRENT ROLE

- > Associate, Hagens Berman Sobol Shapiro LLP
- > Prosecutes personal injury cases and class action cases on behalf of consumers
- > Currently represents student-athletes in personal injury litigation pertaining to concussions/traumatic brain injuries suffered during sporting activities
- > Currently represents victims who have suffered severe personal injuries due to their mothers ingesting thalidomide during pregnancy in the late 1950's and early 1960's without knowing that the drug had not been approved by the FDA
- > She continues to represent victims of domestic violence and sexual assault to obtain protection orders so that their abusers cannot have any contact with them
- > Also represents crime victims who wish to keep their counseling records private during criminal Proceedings

NOTABLE CASES

- > Volkswagen Emissions Defect Litigation
- > Mercedes BlueTEC Emissions Litigation
- > GM Ignition Switch Recall
- > Corvette Overheating
- > Harvey Weinstein Sexual Harassment RICO
- > USC and Dr. George Tyndall Sexual Abuse

EXPERIENCE

- > Litigation associate, Williams Kastner, where she planned and executed a civil caseload involving defense of physicians, hospitals, dentists and other healthcare providers. While at Williams Kastner, Ms. Smith developed successful litigation strategies, handled case discoveries, secured depositions, managed trial preparation, drafted and argued legal motions, and conducted voir dire and jury trials.
- > Prior to working at Hagens Berman, Ms. Smith worked for 10 years at the King County Prosecuting Attorney's Office, working on cases in a diverse set of areas, including the sexual assault, violent crime, district court, domestic violence, felony filing and special drug units. During her 10 years as a prosecutor, Ms. Smith tried over 100 felony jury trials. She spent five years in the Domestic Violence Unit and Special Assault Unit where she handled hundreds of cases involving physical and sexual abuse of children and adults.

LEGAL ACTIVITIES

- > Consistent commitment to pro bono work and services for victims of domestic violence and sexual assault

PERSONAL INSIGHT

Shelby Smith was born and raised in Seattle, and graduated from Garfield High School—which also boasts Quincy Jones and Jimi Hendrix as alums. She has a passion for live music and fashion, and has never met a sport she did not enjoy competing in: while raising three daughters and practicing law, Shelby plays on competitive indoor and outdoor soccer teams, and runs at least one marathon and two half-marathons every year.



ASSOCIATE

Zoran (Zoki) Tasic

Zoki is an accomplished legal writer, having written extensively for all of the judges of the Seventh Circuit during his three-year term as a judicial staff clerk. He also wrote numerous winning briefs during his time as a trial attorney with the DOJ's Antitrust Division.

CONTACT

455 N. Cityfront Plaza Drive
Suite 2410
Chicago, IL 60611

(708) 628-4960 office
(708) 628-4950 fax
zorant@hbsslaw.com

YEARS OF EXPERIENCE

> 6

BAR ADMISSIONS

> Illinois

COURT ADMISSIONS

- > U.S. District Court for the Northern District of Illinois
- > U.S. Court of Appeals for the Seventh Circuit

CLERKSHIPS

- > Staff Law Clerk, U.S. Court of Appeals for the Seventh Circuit, 2013-16

EDUCATION

- > Washington University School of Law, J.D., *magna cum laude*, 2013
- > Washington University in St. Louis, B.S., Electrical Engineering, *magna cum laude*, 2006 and A.B., Music, *summa cum laude*, 2006

CURRENT ROLE

- > Associate, Hagens Berman Sobol Shapiro LLP

EXPERIENCE

- > Trial Attorney at the U.S. Department of Justice, Antitrust Division, 2016-18
- > Staff Law Clerk, U.S. Court of Appeals for the Seventh Circuit, 2013-16
- > During law school:
 - Washington University Appellate Clinic, 2012-13
 - Legal Practice Teaching Assistant for Prof. Ann Davis Shields, Washington University School of Law, 2012-13
 - Summer Law Clerk, American Civil Liberties Union of Eastern Missouri, Summer 2012
 - Consumer Unit Intern, Legal Services of Eastern Missouri, Spring 2012
 - St. Louis City Trial Division Intern, Legal Services of Eastern Missouri, Summer 2011

PUBLICATIONS

- > *Reforming Richard Posner: The Former Federal Judge Needs to Overhaul His Assessment of the Seventh Circuit's Staff Attorney Program and Correct the Errors in His Book (Oct. 2017), Summary*
- > *Note, The Speaker the Court Forgot: Re-Evaluating NLRA Section 8(b)(4)(B)'s Secondary Boycott Restrictions in Light of Citizens United and Sorrell*, 90 WASH. U. L. REV. 237 (2012)

PRESENTATIONS

- > *How to Write Well and Influence People* (Madison, Wis. Aug. 2017): Presentation on legal writing to staff attorneys of Legal Action of Wisconsin's Elder Rights Project.
- > *Procedural Issues in Pro Se Litigation: Dismissal of an Indigent Pro Se's Complaint for Non-Payment of Fees* (Chicago, Ill. Mar. 2016): Presentation to all pro se law clerks employed by federal district courts within the Seventh Circuit.

LANGUAGES

- > Proficient in Bosnian, Croatian, and Serbian

PERSONAL INSIGHT

Zoki enjoys photography and reading nonfiction. He recently began relearning to play the piano, an instrument he briefly studied in college.



ASSOCIATE

Jessica Thompson

Jessica began her legal career at an AMLaw 100 firm representing Fortune-ranked corporations in antitrust, intellectual property and financial services industries. Though grateful for the intense training that those matters provided, Jessica is proud to now be working for the good guys.

CONTACT

1301 Second Avenue
Suite 2000
Seattle, WA 98101

(206) 268-9398 office
(206) 623-0594 fax
jessicat@hbsslaw.com

YEARS OF EXPERIENCE

> 10

PRACTICE AREAS

- > Commercial Litigation
- > Class Actions

BAR ADMISSIONS

- > District of Columbia
- > Maryland
- > Washington

EDUCATION

- > University of Baltimore School of Law, Baltimore, Maryland, J.D. *magna cum laude*, 2010
 - Honors: Class Rank 21/333; G.P.A. 3.68
 - Honors: Highest Grade in the Class Award, Evidence
 - Law Review: Staff Editor, University of Baltimore Law Review
- > University of Baltimore, Baltimore, Maryland, B.A. *cum laude*, 2005
 - Major: Community Studies and Civic Engagement

CURRENT ROLE

- > Associate, Hagens Berman Sobol Shapiro LLP
- > Practice focuses on complex consumer protection cases, primarily within the realms of automotive and emissions litigation
- > Ms. Thompson is currently involved in many of the firm's high-profile auto cases, including litigation against General Motors for faulty ignition switches that are linked to more than 120 fatalities, and emissions-cheating cases brought against Mercedes, Fiat Chrysler and GM. She worked on the Volkswagen CleanDiesel emissions lawsuits brought on behalf of consumers and of franchise dealers.

RECENT SUCCESS

- > Conducting internal investigations on behalf of financial services company into compliance with business conduct rules such as trade allocation and trade errors
- > Defending mobile merchandiser against consumer class actions filed throughout the country alleging unauthorized charges to cell phone customers
- > Representing health insurance providers in a multidistrict antitrust suit consolidated in the Northern District of Alabama
- > Represented chemical manufacturer in trade secret and contract case against competitor. Won temporary restraining order in Michigan state court.
- > Defended international hospitality company in contract suit challenging its national sales program

EXPERIENCE

- > Crowell & Moring LLP, Washington, D.C., Associate, 2011 - 2014
- > Cadwalader, Wickersham & Taft LLP, Washington, D.C., Associate, 2011
- > Howrey LLP, Washington, D.C., Litigation Associate, 2010 - 2011
- > Howrey LLP, Washington, D.C., Summer Associate, 2009
- > Montgomery County State's Attorney's Office, Rockville, MD, Student Attorney, 2010

ACTIVITIES

- > Webinar: "Garden Leaves and Other Strategies to Protect Trade Secrets When Losing Employees," Crowell & Moring, March 28, 2013 - Present
- > Workshop: "Don't Sign that Yet!," Crowell & Moring, Washington, D.C., March 5, 2013 - Present

PUBLICATIONS

- > "The ITC Can Play a Critical Role in Combating International Trade Secret Theft," Intellectual Property Today, Jan. 20, 2012
- > Client Alerts & Newsletters:

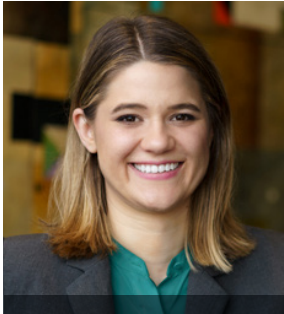
ASSOCIATE

Jessica Thompson

- "Consensus Grows as Congress Continues to Refine Its Efforts to Create a Federal Civil Cause of Action For Certain Trade Secret Theft," Regulatory Alert (May 12, 2014)
- "Federal Trade Secret Reform Continues With Two New Attempts to Improve Protection," Regulatory Alert (July 22, 2013)
- "Supreme Court Rejects Attempt by Class Action Plaintiff to Plead Around Federal Court Jurisdiction," (Mar. 22, 2013)

PERSONAL INSIGHT

Jessica comes from a working-class Baltimore family. Though she has dutifully relearned the pronunciation of words like water (not "wooder") and wash (not "warsh"), she continues to inquire about "dem O's" and refuses to participate in the singing of "Shout" at the seventh-inning stretch. It's an abomination.



ASSOCIATE

Breanna Van Engelen

Breanna advocates on behalf of consumers in complex litigation, including in antitrust cases and cases involving unfair competition.

CONTACT

1301 Second Avenue
Suite 2000
Seattle, WA 98101

(206) 623-7292 office
(206) 623-0594 fax
breannav@hbsslaw.com

PRACTICE AREAS

- › Antitrust Litigation
- › Consumer Rights

BAR ADMISSIONS

- › Washington

EDUCATION

- › University of Michigan Law School, J.D.
- › Washington State University, B.A., *magna cum laude*

CURRENT ROLE

- › Associate, Hagens Berman Sobol Shapiro LLP

EXPERIENCE

- › Prior to joining Hagens Berman, Breanna was an associate at K&L Gates LLP in Seattle, where she focused on Internet and technology law. Breanna took one of the first electronic impersonation cases in Washington state to trial. At trial, she secured an \$8.9 million dollar verdict for her clients – the largest verdict ever awarded to a non-celebrity in an electronic impersonation/invasion of privacy case.

MEDIA INTERVIEWS

- › Brooke Jarvis, *How One Woman's Digital Life Was Weaponized Against Her*, WIRED (Nov. 11, 2017, 6:00 AM) (<https://www.wired.com/story/how-one-womans-digital-life-was-weaponized-against-her/>)

PRESENTATIONS

- › “Taking the Distribution of Intimate Images to Trial,” Presentation at 9th Annual Domestic Violence Symposium, Seattle, WA, Sept. 2017

PERSONAL INSIGHT

Breanna grew up in Idaho, where she learned to ski in the winter and race horses on mountain trails in the summer. Before becoming an attorney, Breanna taught at a pre-school in eastern Washington. When she's not working, you can find Breanna on her parents' ranch in Texas, taking care of the land and snuggling animals.



ASSOCIATE

Mark Vazquez

During law school, Mark served as an editor for the DePaul Law Review, graduated from the top of his class, and earned the CALI Excellence for the Future Award in all five of his legal writing and trial advocacy courses.

CONTACT

455 N. Cityfront Plaza Drive
Suite 2410
Chicago, IL 60611

(708) 628-4962 office
(708) 628-4950 fax
markv@hbsslaw.com

YEARS OF EXPERIENCE

> 7

BAR ADMISSIONS

> Illinois

CLERKSHIPS

- > Hon. John Z. Lee, Northern District of Illinois
- > Hon. Jesse G. Reyes, Illinois Appellate Court, First District

EDUCATION

- > DePaul University College of Law, J.D., *summa cum laude*, 2012
- > Editor, DePaul Law Review
- > University of Chicago, B.A., 2006

CURRENT ROLE

- > Associate, Hagens Berman Sobol Shapiro LLP

EXPERIENCE

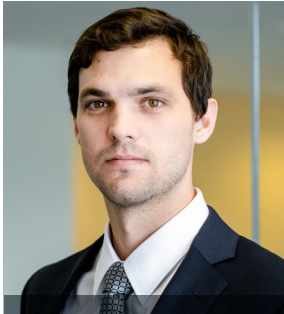
- > Mark comes to Hagens Berman with a variety of clerkship experience, having clerked for both Judge John Z. Lee at the federal trial level and Justice Jesse G. Reyes at the state appellate level.
- > During law school, Mark served as an editor for the DePaul Law Review, graduated from the top of his class, and earned the CALI Excellence for the Future Award in all five of his legal writing and trial advocacy courses.

PUBLICATIONS

- > *People v. Kladis and the Illinois Courts' Treatment of Evidence Spoliation by Law Enforcement*, Illinois State Bar Association Criminal Justice Newsletter, Vol. 56, No. 1 (August 2012)

PERSONAL INSIGHT

An avid musician, Mark has been playing bass and guitar for various rock, blues, jazz, and country acts since he was in grade school. You can frequently hear him alongside his father at bar association events throughout Chicago—that is, should you be able to hear anything in a crowded room full of lawyers.



ASSOCIATE

Bradley J. Vettraino

Mr. Vettraino is committed to challenging corporate misconduct and has represented institutional and individual plaintiffs in numerous complex class actions across the country.

CONTACT

55 Cambridge Parkway
Suite 301
Cambridge, MA 02142

(617) 482-3700 office
(617) 482-3003 fax
bradleyv@hbsslaw.com

YEARS OF EXPERIENCE

> 6

BAR ADMISSIONS

- > Illinois
- > Massachusetts
- > Missouri

COURT ADMISSIONS

- > U.S. District Court, District of Massachusetts
- > U.S. District Court, Southern District of Illinois

EDUCATION

- > Washington University in St. Louis School of Law, J.D., 2013
- > Metropolitan State University of Denver, B.A., 2009

CURRENT ROLE

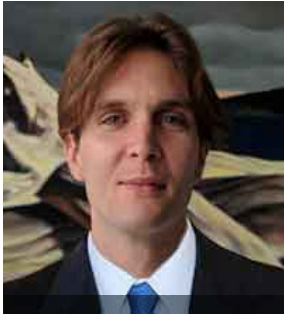
- > Associate, Hagens Berman Sobol Shapiro LLP
- > Practice focuses on pharmaceutical antitrust litigation and prosecuting other healthcare-related fraud
- > Responsible for day-to-day management for HBSS of In re Zetia (ezetimibe) Antitrust Litigation, MDL No. 2836 (E.D. Va.), a federal antitrust suit against Merck & Co and Glenmark Pharmaceuticals alleging the two unlawfully agreed to delay access to generic ezetimibe for years, resulting in billions in overcharges to purchasers
- > Instrumental in overcoming motions to compel arbitration against class representatives in multiple cases

EXPERIENCE

- > Associate at a nationwide class-action firm, where he prosecuted numerous securities, merger and acquisition, and consumer class actions on behalf of both individuals and large public pension funds
- > After graduating from Washington University in St. Louis School of Law in 2013, Mr. Vettraino worked for two preeminent toxic tort and products liability firms representing individuals harmed by corporate negligence and greed.

PERSONAL INSIGHT

Mr. Vettraino grew up in Colorado, where he became the first in his family to graduate from college. After achieving his law degree, Mr. Vettraino became a plaintiff's attorney. He has spent his entire career as a lawyer representing individuals and organizations wronged by corporate greed.



ASSOCIATE

Ted Wojcik

Ted is devoted to working on behalf of those harmed by corporate misconduct, and has experience advocating for individuals in several contexts.

CONTACT

1301 Second Avenue
Suite 2000
Seattle, WA 98101

(206) 623-7292 office
(206) 623-0594 fax
tedw@hbsslaw.com

YEARS OF EXPERIENCE

> 4

BAR ADMISSIONS

> Georgia

CLERKSHIPS

- > Judge Mark H. Cohen, U.S. District Court for the Northern District of Georgia, Atlanta, GA, 2016-2018
- > Judge Marjorie Allard, Alaska Court of Appeals, Anchorage, AK, 2015-2016

EDUCATION

- > Yale Law School, J.D., 2015
- > Dartmouth College, A.B., 2011, *magna cum laude*

CURRENT ROLE

- > Associate, Hagens Berman Sobol Shapiro LLP

EXPERIENCE

- > Prior to joining Hagens Berman, Ted served as a clerk to U.S. District Judge Mark H. Cohen, and prior to that, for Judge Marjorie Allard in the Alaska Court of Appeals.
- > During law school, Ted interned for the Alaska Public Defender Agency in Palmer, Alaska, and the New Orleans City Attorney's Office. He also worked as a student attorney in the landlord/tenant and immigration legal services clinics, and was an editor for the Yale Law Journal.
- > Before law school, Ted worked for a year as a high school teacher in the Marshall Islands.

PERSONAL INSIGHT

A Maine native and recent Seattle transplant, Ted is working hard to master the intricacies of composting and to remember that the ocean lies to the west now, not the east.